



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

NYPL RESEARCH LIBRARIES



3 3433 07482828 0

620

Presented by
Mr. Philip Weinberg
to the
New York Public Library

NBQ
WEIN



Weinberg

22

THE NEW YORK
PUBLIC LIBRARY

ASTOR LENOX AND
TILDEN FOUNDATIONS.



Ralph Weinberg.

Collected Writings

OF THE LATE

RALPH PHILIP WEBSTER.

A COLLECTION OF HIS WRITINGS, 1872

NOVEMBER 24, 1872,

FEBRUARY 21, 1898.

Together with Portraits and Memoir.



PRINTED FOR PRIVATE DISTRIBUTION

New York, 1898



R. L. Weinberg.

Collected Writings

OF THE LATE

RALPH PHILLIP WEINBERG

B.A. COLLEGE OF THE CITY OF NEW YORK, 1897

NOVEMBER 24, 1877

FEBRUARY 2, 1898

Together with Portraits and Memoir



PRINTED FOR PRIVATE DISTRIBUTION

New York, 1898

THE NEW YORK
PUBLIC LIBRARY
104568
ASTOR, LENOX AND
TILDEN FOUNDATIONS.
1898.



In Fondest Remembrance
OF A NOBLE
"INHERITOR OF UNFULFILLED RENOWN."

Contents

MEMOIR	PAGE I
I. THE STORY OF THE HOLY GRAIL, AS TOLD IN TENNYSON'S IDYLLS OF THE KING	16
(Nom-de-plume, "Ulysses," '97)	
This Essay won the Kelly Critique Prize for the author in June, 1897. This prize is awarded annually to the member of either the Clonian or Phrenocosmian Literary Societies who shall write the best critique on some work of English Literature.	
II. WILLIAM H. SEWARD AS A STATESMAN, 30	
(Nom-de-plume, "Zoken," '97)	
This Essay won the Elisha Riggs Gold Medal for the author in June, 1896. This medal is awarded annually to the author of the best English Prose Composition in the Junior Class.	
III. THE CUBAN QUESTION CONSIDERED IN THE LIGHT OF THE PRINCIPLES OF BELLIGERENT RECOGNITION	53
(Nom-de-plume, "Caliph," '97)	
This Essay won the Bennett Prize for the author in June, 1897. This prize is given	

Contents

	PAGE
annually upon Commencement Day to the undergraduate member of the Senior Class who shall have taken the prescribed course of the institution in Political Science and English Literature, and who shall have prepared the best essay in English prose upon some subject of American governmental domestic or foreign policy of contemporaneous interest.	
IV. PRINCIPLES FOUGHT FOR IN THE AMERICAN REVOLUTION	96
(Nom-de-plume, "Historicus")	
This Essay was offered in competition for the prize annually awarded by the National Society of the Sons of the American Revolution.	
V. SOME PHASES OF RECONSTRUCTION	110
Essay written for the Department of History.	
VI. THE USE OF ODD MOMENTS IN READING	136
VII. THE HEALER. A Story	145
VIII. POEMS	152

1947

1948



Memoir

IT might have been well to send forth this modest volume without aught of introduction and explanation. In that event the work would have become, what it is really designed to be, *his* book. Again, a foreword becomes almost needless, seeing that the following pages together make up a remarkable collection of writings—their author barely twenty years of age when “called from life to life”—with little therein to correct, nothing to extenuate, and much to admire. And if these lines are introduced as a Memoir of the gifted youth, of whom the publication of his own essays has, alas! become the office of affectionate remembrance, it must be borne in mind

Memoir

that the volume has been prepared by and for those whose love for the memory of his fine, strong personality surpasses, if anything, the measure of their admiration for his talents and achievements.

Ralph Phillip Weinberg, the youngest child of Phillip and the late Florentine Weinberg, was born November 24, 1877. His mother, many of whose noble and lovable traits of character he seemed to have inherited, died while yet he was little more than a babe, so that the motherless lad grew up as the light and comfort of his beloved father's otherwise saddened life. From his earliest boyhood, his thoughtfulness and earnestness marked him off as quite apart from comrades of his own age. At school he was *facile princeps* in every class, winning prize upon prize for uncommon merit and unflagging industry, and finally crowning his brilliant school career by being admitted to the City College, with the highest

Memoir

percentage in the examinations among more than thirteen hundred applicants.

This excellent record he continued with notable success while a student of the College of the City of New York, at which institution he distinguished himself, especially by his labors in the Department of English. Here he proved himself a rarely apt scholar in the study of the language and the literature, as witnessed by the award to him in 1896, at the close of his Junior year, of the Bronze Ward Medal for proficiency in English. It was, however, in the nearly-allied branch of essay-writing that he gained his greatest laurels, the proud and almost unique distinction coming to him of being declared the victor in three different prize competitions—Kelly Critique, Riggs Essay, and Bennett Essay—within two years, in addition to being adjudged worthy of honorable mention in the contest for the prize of the National Society of the Sons of the

Bemott

American Revolution. These four literary pieces, together with some lighter efforts, will be seen to comprise the bulk of this book, the contents of which, viewed as a whole, reveal clearness of thought, discrimination in diction, and lucidness in arrangement, and at the same time betray but little of the crude and amateurish in matter or style, such as might have been expected from one who ne'er even attained his majority.

Our delight, as such, at the success which attended his praiseworthy zeal and diligence, must needs, alas, forever remain largely tempered, if not wholly overshadowed, by the regret, all too well founded, that the intense and unwearying application incident to the preparation of his numerous essays, weakened and undermined his always delicate constitution, thereby rendering him unable to withstand the ravages of the dread disease, destined at last

Memott

to bring about his untimely demise. He had been graduated only a few weeks when, the nervous strain having passed away, a reaction with its accompanying lassitude and consequent enfeeblement set in, which boded ill to the sufferer. At first, relief and recuperation were sought amid the bracing atmosphere of the mountains; soon, thereafter, painstaking medical investigation revealed the fatal character of his malady. Thence, in the hope of arresting the spread of his tubercular affection, he was ordered farther north—to one of the healthful settlements situate in the heart of the Adirondacks. Eminent specialists were summoned for consultation, and, for a brief season, he seemed to rally. Autumn came, and, with the falling of the leaves, the poor remnant of his strength began to fall and to fade away. Homeward he was borne, and there, surrounded by his kinsmen, his companions, and the books he knew and

Demott

loved so well, he lingered on peacefully and patiently. As a last hope a journey to a Southern health resort, in the company of some dear ones, was undertaken, whence he returned after some weeks—his final, earthly pilgrimage—once more to his own home. Bravely, yet all unknowingly, he battled against the invincible foe; gentle, considerate, prayerful was he to the very end. On the morning of the second day of February, while the sun shone upon his grave, sweet countenance, the Angel of Light touched him; Ralph Phillip Weinberg had ceased to be—of earth, his spirit glorified as of the hosts of heaven.

Deep and heartfelt was the sorrow at his taking away—a sorrow mellowed and chastened by sympathy with the disconsolate father and the large family circle thus sorely afflicted. His teachers and associates in school and college alike sounded his praises; even the daily press made appropriate men-

Memoir

tion of the death of "this young man, who had won many honors as a student at the City College."

Upon the second day after his death, amid the hallowing beauty of religious ministrations, he was bedded to everlasting rest. An unusually large concourse of people witnessed the obsequies; a wilderness of flowers adorned his fresh-made grave, but sweetest and saddest of all the tributes of affection and grief was the wreath of laurels, offered as a fitting token by the distinguished President of his beloved Alma Mater.

Such, in brief, is the story of Ralph Philip Weinberg's life. Nevertheless, the bare facts aforementioned, while serving to illustrate the quality and range of his intellectual gifts, constitute a part—and only the smallest part—of his real life, of the spirited, sturdy soul-life, which furnishes the key to the brilliant performances of the

Memoir

youth, and, moreover, yielded ample promise of a noble career for the man.

In one word, Ralph Weinberg was a youth of ideals—of ideals high and mighty. His very bearing, by its unaffected dignity and manly grace, typed the character of one whose mind would disdain to dwell upon matters of evil report, whose heart was incapable of harboring an unkindly sentiment or an ungenerous thought. His soulfulness mirrored itself in those fine, large, lustrous eyes, now sparkling with honest, boyish merriment, and again “tinged with the hue of becoming pensiveness,” but ever and anon telling of unwonted mental capacity, of lofty spiritual impulse, of unswerving moral power. We would not wittingly fall into the error of exaggeration, and yet we have oftentimes thought that another somewhat like unto the hero of Tennyson’s sublime dirge—the peerless youth of our century—has been lost to his age in Ralph’s

Demolt

demise. For Ralph, too, the sombre strains of a deathless "In Memoriam" shall be chanted, not in tuneful and poetic measures, but in the simple and pathetic accents of love and friendship.

Upon one aspect of the ideals which he cherished we would lightly touch—lightly, as befits the sacredness of the theme. No proofs or explanations are required of the statement that the higher education, which is afforded by our great American colleges and universities, has a tendency to plant the seeds of unbelief in the minds of young students. Far different from the generality of such self-sufficient and "enlightened" agnostics (in the embryo) was Ralph Weinberg, who always confessed to a firm and steadfast attachment to the faith of his fathers. The breath of his life was unpoluted by the poisonous atmosphere of skepticism, which not infrequently vitiates the life of seats of learning; his conception of

Demoir

the Jewish religion was marked by intelligence and grasp, his practice of its precepts by fidelity and earnestness. Daily he offered up praises to his Maker in true devoutness ; to the last he observed the beauteous, olden Jewish rite of arraying himself in the phylacteries (" Tefillin"), thus consecrating his pure, unsullied person anew every morn to the loving service and the reverent worship of his Heavenly Father.

The ideals which possessed the soul of Ralph are revealed, perhaps, most clearly in the series of essays which form the major portion of this volume. Unconsciously, his treatment of the various questions—political, literary, moral—involved in the presentation of his opinions, enables us to gain an insight into the governing principles of his own mind. Thus, in depicting the main elements of the Arthurian legend, as immortalized by Tennyson, the words of Ralph

Demost

proclaim his unbounded admiration for a life of purity. Stately and sonorous is his tribute to the invaluable services rendered by Seward to our country, attesting well the sincerity and fervor of his own Americanism. Truly judicial and statesmanlike is his handling of the delicate problems of international comity arising out of the Cuban Question, and yet, his sense of justice and integrity being satisfied, he concludes his admirably impartial and amazingly exhaustive summary with a passionate appeal in the name of humanity for Cuba's long-suffering inhabitants, a chivalrous, prophetic plea, soon to be realized by his gallant countrymen. His delightful reflections on "The Use of Odd Moments in Reading" afford us a glimpse of the determination and tirelessness with which he applied himself to the task of enlarging and enriching the stores of his learning. Love of books and reading became with him a veri-

Memoir

table passion. His library, which was richly stocked with the best books and arranged with scholarly precision, witnesses to the nicety of his taste and the soundness of his literary judgment. His poems, born of his art and music-loving nature, though few in number, are replete with tender and tuneful sentiment.

Saddening in sooth is the thought that Ralph's earthly sojourn was ended before his twenty-first year, seeing that within those few years he had wrought so much, had reared such a proud memorial to his fame. For all that, though his stay among us was less than one-third of the scripturally allotted span of human days, we somehow feel that his life, despite its brevity, was finished in a sense which the speech of men cannot convey, that his life was not "a broken arc of the circle infinite," but rather "rounded to the perfect sphere." Was there not a foreshadowing of the crown of completeness

Demott

with which his youthful brow was to be invested in his fondness for the *nom de plume* "Zoken," the Hebraic equivalent for "an aged man," a term of endearment in vogue at his home? For he was "Zoken," an "old man," if, following the exegesis of the Rabbis, we interpret "Zoken" to signify "one who hath acquired wisdom." Viewing his life in such larger wise, shall we not echo the words of him who spake—

"It is not growing, like a tree
In bulk, doth make man better be,
Or standing long an oak, three hundred year,
To fall a log at last, dry, bald, and sear—
A Lily of a day
Is fairer far in May,
Although it fall and die that night,
It was the plant and flower of light ;—
In small proportions we just beauties see,
And in short measures life may perfect be."

With this familiar verse of Ben Jonson we would bring our memoir to a close. Let

Memoir

us rather say "character sketch," for Ralph Weinberg needs no memorial other than that which his own graceful pen indited, no memorial other than the works fashioned by his own hands. The philanthropic instincts of his loving father have devised still another memorial in the form of generous gifts, bearing his lamented son's name, to two especially deserving institutions in our city, Mt. Sinai Hospital and Montefiore Home. Surely, such an endowment exemplifies the truth of the adage, "The memory of the righteous is unto blessing." But mightier and more enduring than all these is the faithful remembrance of his manifold graces and virtues, as enshrined in countless loving hearts. Much hath he written and well; best of all, he has written his name in the Book of Eternal Life, in the hearts of those who knew him, and who, knowing him, loved and will love him for evermore. "Raphael," his name be-

Demost

tokeneth "healed of God": so hath he
been healed of God, for he dwelleth under
the shadow of the Most High, safe-shel-
tered in the keeping of Him who giveth
His beloved sleep and life and glory.

"How soon the film of death obscured that eye,
Whence genius mildly flashed, and high debate.
How soon that voice, majestic and elate,
Melted in dying numbers! Oh! how nigh
Was night to thy fair morning. Thou didst die
A half-blown flow'ret which cold blasts amate.
But this is past: thou art among the stars
Of highest heaven."

The Story of "The Holy Grail" as told in Tennyson's "Idylls of the King"

THAT period of history known as the Middle Ages, while not characterized by striking originality of thought, nevertheless produced men of great learning. This result was accomplished in some cases by royal patronage ; but a more potent factor is to be found in the widespread system of monastic institutions which then prevailed. Monastic life, notwithstanding its drudgery, its hardships, and its lack of stimulating contact with external progress, was of value to the scholar, enabling him to devote a large portion of his time to study. Among those who lived within the clois-

"The Holy Grail"

ter's walls were men of vast erudition, who pursued their studies with great energy and enthusiasm. To these scholars we are partly indebted for the Grail romances of the twelfth and thirteenth centuries. These stories, in their first crude form, were legendary tales of knightly adventure, which gradually came to be used as the groundwork on which to rear a religious structure. The ensuing conjunction of legend, romance, and religious teaching gave rise to a series of romances dealing with the Quest of the Holy Grail.

In the treatment of this subject these romances vary ; some but slightly, others to a considerable degree. The version most popular in English literature is the later one given by Sir Thomas Malory. According to this, the "San Greal," or Holy Grail, was the cup out of which Jesus partook of the Last Supper with his disciples. It was brought into England by Joseph of

Collected Writings

Arimathea, and remained there, an object of pilgrimage and adoration, for many years in the keeping of his lineal descendants. It was incumbent upon those who had charge of it to be chaste in thought, word, and deed; but one of the keepers having broken this condition, the Holy Grail disappeared. From that time it was a favorite enterprise of the knights of Arthur's court to go in search of it, Sir Galahad at last being successful.⁶

Besides this version there are many others, each romance having its peculiar features, the imprint of its author. The history of the Grail, up to its entrance into England, is of minor importance. For us the important points to remember are these: The Grail was a holy vessel, possessing marvellous healing power, physical as well as spiritual. When approached by any one not absolutely pure, it vanished from sight. The Grail having been lost, it became the

"The Holy Grail"

great object of search to knights errant of all nations, none being qualified to discover it but a knight perfectly pure in thought and in act.

This story Tennyson has incorporated into one of the most noble of his "Idylls," "The Holy Grail." In order to appreciate this poem in its full significance, we must consider the "Idylls" as a whole. Owing to the fact that they were written at infrequent and irregular intervals, the "Idylls" are often considered as separate, distinct poems, having but a loose connection, if any. To us this view seems quite erroneous. We prefer to consider them as forming one organic whole, the different parts being bound together by the unity inherent in an epic. If we regard the "Idylls" from this standpoint, we get a more complete, a grander conception of the true meaning of "The Holy Grail." Then we see it as the turning-point in the struggle

Collected Writings

between Sense and Soul, the climax up to which the preceding "Idylls" lead. The crisis once past, the remaining poems carry us to the final catastrophe, "The Passing of Arthur." Thus we have a complete work, at once artistic and majestic.

To the composition of these poems Tennyson brought the full resources of his genius. An experienced and refined judge of poetic material, and an accomplished virtuoso in his art, Tennyson is excelled by few in constructive beauty. The detailed finish of every phrase, and the exquisite balance with which the episodes harmonize with the central motive of the poem, are executed in so artistic a manner that, while not forcing themselves upon the attention of the reader, they contribute materially to the sustained grandeur of expression. "The Holy Grail" belongs to Tennyson's mature period, and is characterized by his best qualities, being an ad-

"The Holy Grail"

mirable production both from a poetic and from a technical standpoint.

In the "Idylls," as a whole, we notice a regular progress of the narrative from first to last. There is in them a real unity both of conception and of moral ideas. To present to us a reproduction of Arthur, the hero of chivalry, is not the aim of the poet. To be sure, we have the old characters and background, but into the movement there has been infused a spiritual element. Like Kingsley's "Hypatia," it is a story of "new foes with an old face," a new development of an old theme. Let us not be understood as desiring to invest every action, as do some commentators, with a hidden, symbolic meaning. This much, however, is claimed: that the "Idylls," as a whole, have a definite moral aim, the highest expression of which is found in "The Holy Grail." Though not an allegory, the poem is symbolic in character. "Arthur

Collected Writings

represents the spiritual force that works to make the dead world live, which (the spiritual force) for a time has power to accomplish its purpose, but is gradually overborne and goes down. The strife, however, is one which is ever to be renewed. Arthur is deeply wounded, but he cannot die; he passes to the mystic island-valley to heal him of his wound, and he will one day come again and finish the work which he has begun. The hero has been victorious over the external foe; his failure is due to the taint of corruption which creeps in among the circle which he has gathered round him."¹

“ And all whereon I lean'd in wife and friend
Is traitor to my peace, and all my realm
Reels back into the beast, and is no more.”²

Beginning with “ The Coming of Arthur,” the “ Idylls ” show us the power of Arthur fully established with the king as the representative of Christ upon earth. In

"The Holy Grail"

the symbolic war of Sense against Soul, Soul is thus far the victor. In the story of Geraint we perceive the first approach of corruption, the beginning of the moral taint which is so soon to become apparent. In "Balin and Balan" and in "Merlin and Vivien" the evil is seen to have spread perceptibly, and we behold the partial victory of Sense over Soul. "Lancelot and Elaine" brings us nearer to the decisive struggle, the evil becoming more and more apparent.

It is at this point that we reach "The Holy Grail," the climax up to which we have been gradually tending. The appearance of the holy vessel causes a wave of religious enthusiasm to spread over the members of the Round Table, under the influence of which all the knights, from best to worst, vow themselves to the quest of the Holy Grail, an object to be achieved only by those pure in thought and in act.

Collected Writings

The result is, indeed, discouraging. Of those who, by means of their virtue, do achieve the Grail, one is seen no more in this world; while another, "leaving the helmet for the cowl, passes into the silent life of prayer." (Lines 1-7.)¹ Thus the influence of the two purest knights in the society of which they were members is lost. Of the rest, some are made more reckless in their sin. Others who, while the excitement and enthusiasm prevail, strive to raise themselves, give up the struggle when these have subsided; and, finding themselves in a society deprived of its noblest and purest elements, they return to their former paths.

One of its special functions the quest indeed performs—namely, it discriminates between the righteous and the unrighteous, the pure and the impure. Such a discrimination may be of service to some, causing them to perceive the truth in matters of the

"The Holy Grail"

highest import. With a few the result may be permanent; by the greater number the lesson is forgotten. The knights may be good warriors and good workers in the ordinary affairs of human life, but they are not "Galahads—no, nor Percivales" (Line 306); they will be lost in the quagmire and follow wandering fires, forsaking their true sphere while the "chance of noble deeds will come and go unchallenged." (Lines 318–320.)

And this is some of the truth suggested by this idyll, the danger of abandoning our daily work and duty in order to pursue that which is marvellous and supernatural. This is the idea round which the incidents of the poem are grouped. Arthur, in warning the knights, admits the value of the quest for some. Then turning to Galahad, he says,

" . . . for such
As thou art is the vision, not for these.

Collected Writings

**But ye that follow but the leader's bell,
What are ye ? Galahads ?—no, nor Percivales,
. but men
With strength and will to right the wrong'd, of power
To lay the sudden heads of violence flat.
But one hath seen, and all the rest will see.
—how often, O my knights,
Your places being vacant at my side,
This chance of noble deeds will come and go
Unchallenged, while ye follow wandering fires
Lost in the quagmire !”** (Lines 293–320.)^a

In other words, for all but a very few, the quest will be a waste of energy which might be given to a work lying nearer to their hands. And so it proves. Galahad, successful, passes to the spiritual city. Percivale learns the lesson of humility, achieves the quest, and then retires from the world to a life of prayer and fasts and alms. Bors, the remaining knight who achieves the quest, is the only one of those who are successful,—who returns to the path of common duty and continues to take part in cleansing

"The Holy Grail"

the world. "The sanest kind of enthusiasm," said Macaulay, "is that which goes hand in hand with the most sincere love of our fellow men; and it must be remembered always that this poem with which we are concerned is not an independent work but strictly subordinate to the scheme of the whole, and that the true hero of Tennyson's *Quest of the Holy Grail* is one who does not go on the Quest at all, but stays behind to plough his allotted field."⁴

The teaching of the poem is really this, that religious impulses, like others, must be kept within bounds. Our duty lies before our very doors; there is no need to seek it abroad. From Galahad's side the Holy Grail may never fail, but be with him night and day.⁵ Most of us, however, must be content with occasional glimpses of the beauty and happiness of the spiritual world. For such as these the poet teaches that the

Collected Writings

true ideal is to work in the field of appointed daily duty, like

“the hind,
To whom a space of land is given to plow,
Who may not wander from the allotted field
Before his work be done ; but,”

and this is the important lesson,

“but, being done,
Let visions of the night or of the day
Come, as they will ; and many a time they come,
Until this earth he walks on seems not earth,
This light that strikes his eyeball is not light,
This air that smites his forehead is not air
But vision—yea, his very hand and foot—
In moments when he feels he cannot die,
And knows himself no vision to himself,
Nor the high God a vision, nor that One
Who rose again.” (Lines 902-915.)¹

—ULYSSES.¹

¹“Tennyson: The Holy Grail.” Macmillan & Co.: London and New York, 1893. Introduction, p. xii.

"The Holy Grail"

* "The Passing of Arthur," ll. 24-26.

* Numbers in parentheses refer to the corresponding lines of "The Holy Grail."

* "The Holy Grail." Introduction, p. xxi.

* "The Holy Grail," ll. 470-471.

* "Poetical Works of James Russell Lowell." Boston and New York, 1896. Introduction to "The Vision of Sir Launfal," p. 106.

* Ulysses was the *nom de plume* used by the writer.

William B. Seward as a States- man

IN estimating the services of a public man in the United States allowance must be made for what may be termed the "national equation." This, again, involves the more or less varying "personal equation." In other words, there exist in this country peculiar conditions which affect both the official and private life and actions of our public men—conditions of such a nature as to form important factors in the acts of those who make our laws and direct our policy. Men in office and who wish to continue so, must not only pursue that course which is best for the nation, but also that which pleases the majority of the people,

William B. Seward as a Statesman

which is often very different from the former. Hence, to judge an American statesman by European standards is manifestly unfair, and allowance must be made for the variations involved.

Few lives afford a more striking example of the results of American influences than does that of William Henry Seward, the subject of the present paper. From first to last Seward was "American." The very story of the settlement of his ancestors in America illustrates the difference between English conservatism and American energy. He constantly had in view the formation of an "American citizen" out of the incongruous elements of our population, and the supereminent importance of the United States on this continent.

The factors in the "personal equation" of one of our public men are familiar to all. No statesman is entirely without ambition, and our system offers an open way for ad-

Collected Writings

vancement. Consequently, before deciding on any course, the statesman is influenced by the consideration of how his chances of advancement will be affected by his contemplated action. As a result, the American statesman is not as free as the European diplomat, and, as we before remarked, he must be judged by a standard which differs from the European in accordance with the factors in our "national" and "personal" equations.

William H. Seward is best known by his services immediately preceding and during our Civil War, though his acts, previous to his national career, were by no means of an insignificant character. Every one knows Mr. Seward as the brilliant Senator and faithful Secretary; but few can appreciate the value of these earlier labors. "Those who have studied the period in which Seward first became prominent will recognize in the part he took then the same remarkable

William B. Seward as a Statesman

qualities which characterized him to the end."'¹ Among the measures he ardently supported were those in favor of the abolition of imprisonment for debt, granting further extension of the popular franchise, improvement of courts of law, general diffusion of education, and construction and enlargement of railroads, canals, and public works.

The shrewd foresight of Seward is shown by his policy toward foreign immigrants. At that time (1838) the great "continental invasion" had not reached that phase which it to-day assumes. Seward saw that the American of the future was to be a composite man. The process of amalgamation could not be checked or hindered. What was to be done? The problem was a difficult one to solve. By a study of the prevalent conditions and a wise application of educational and relief measures, these immigrants could be guided into fields where

Collected Writings

they might develop into creditable citizens. Seward welcomed the immigrant and sought to Americanize him as soon as possible and as thoroughly as possible. The events of his later years proved the wisdom of his course.

In the years before the war Seward played a most prominent part in the discussion of the slavery question, being the leader of his party in the Senate. He not only detested slavery as a cruel wrong to the negro, but he saw in it "a permanent element of political weakness, an active cause of social demoralization and the means of a fictitious prosperity which was sure to end in poverty and ruin. His dogma of the 'irrepressible conflict' between freedom and slavery was in fact only the foundation of a fundamental moral truth exemplified and illustrated in all history, a truth which has its foundations in man's reason and man's nature." ²

Seward clearly perceived, however, that

William B. Seward as a Statesman

the entire North was not then ready to go to war on account of slavery. To preserve the Union was now his chief work, and to accomplish this with many in the North apathetic as to slavery was a difficult task. It was chiefly by the forbearance of Seward that the Southern States were forced into the wrongful initiative. In case of an early secession, the Southern States might be allowed to form a separate government. Consequently, Seward wisely delayed the rupture until the moral tension was great enough to make the Northern States resist slavery. As it was, the rupture came almost too soon, and had not the essential question been mixed with one of patriotism and national existence, there would have been a repetition of compromise.

The crowning glory of Seward's public life was his conduct of the State Department during the Rebellion. Throughout his two terms as Secretary of State difficul-

Collected Writings

ties of every sort had to be overcome. On taking office Seward found the chief posts, both at home and abroad, filled with persons lukewarm or positively disaffected. One consequence of this was the formation of impressions upon the representatives of foreign governments, calculated in some measure to mislead their policy. The replacing of these officers was tedious and difficult, especially as the Republican party had just come into power, and few of its prominent members had had any advantage of experience in office. At the same time, our foreign relations became perplexing and full of danger to a degree before unimaginable; and with them was complicated the management of public opinion at home.

The most prominent questions in Seward's first term were the recognition of the belligerency of the Southern States, and the relations with Great Britain concerning the "Trent" and the "Alabama." With

William D. Seward as a Statesman

our limited space, it will not be possible to treat each act in detail, and only a general survey will be given, to indicate the opposing influences against which Seward had to contend.

At the outbreak of the war, European powers did not look with favor on the great Republic, and though not reckless enough to openly espouse the cause of the South, showed plainly that they would be only too glad to be "in at the death." Louis Napoleon thought that "the only fear we ought to have is lest the independence of the South should be established without us."⁸ Fortunately for Republican institutions they were destined to disappointment. Nevertheless, our relations with these powers were extremely delicate, and at times it seemed as if a feather would have cast the scales against us. To those in charge of our foreign relations it was clear that nothing but discretion would restrain the

Collected Writings

anti-Republican parties in England and in other European powers from forcing their governments into ultra measures against the Union. It was discretion rather than comity that prevented intervention. Seward at the outset instructed foreign governments that the President would not consent, directly or indirectly, to the "interpellation" of any foreign power in a controversy which was purely a domestic one, and this policy he upheld during the war, modified only in so far as the recognition of Confederate rights compelled, a recognition that in time came from the Federal Government itself.

"In his efforts to prevent the foreign recognition of the Confederacy," says Representative Cox, "Mr. Seward's position was that of unswerving devotion to the Union. He would not be entrapped into any admission of the possibility of its disruption. His great law was the law of self preservation."⁴

William B. Seward as a Statesman

Seward said that our position was the same as he thought Great Britain herself must and would assume, if a domestic insurrection should attempt to detach Ireland or Scotland from the United Kingdom, while she would hear no argument nor enter into any debate on the subject. In late years Seward's course in regard to what is known as the "Trent affair" has been viewed in a more rational light than formerly. In accordance with our traditional policy, a policy for which we had fought the greatest naval power on the globe, we were bound to give up the Confederate envoys, Mason and Slidell. Seward saw this at once. He was willing to surrender them, but public opinion, a great factor in our "national equation," was set strongly against this action. In his letter to Lord Lyon Seward made the utmost concession that public opinion would tolerate. Nothing seemed less likely than that an administration could stand

Collected Writings

which should restore the prisoners, and Mr. Seward's letter was one of the ablest and most skilful he ever wrote. Mr. Adams,⁵ himself a skilful diplomat, says that in his judgment this letter saved the unity of the nation. Seward had to steer between Scylla and Charybdis. While he saw that he must give up the prisoners, it was equally evident that the surrender must be delayed in order that he might satisfy the Northern public. When he did surrender them, "although he addressed the British Minister, he used all the ingenuity in his power to work out a series of reasons that would satisfy, not the British Government, but his own countrymen of the necessity and rightfulness of compliance with the demand of a government which was then hated at the North even more than that of Jefferson Davis." ⁶ His letter notifying the British Government of the surrender of Mason and Slidell, was a masterpiece of diplomacy and

William B. Seward as a Statesman

saved the dignity of the nation, at the same time preventing war with Great Britain. Incidentally Seward made this affair an occasion of vindicating the freedom of the seas on time-honored American principles which, up to that time, the British Government had declined to admit.

As to the "Alabama" affair, the entire North was as one in enforcing our just claim against Great Britain. Consequently Seward had to deal only with a foreign government and not with adverse home influences, a circumstance which left him as free as the average European diplomat. Here his correspondence is a model of forcible English and of sterling patriotism. Much as the society class of England, then in power, sympathized with the South and secretly wished for the dismemberment of a nation which was considered a standing menace to monarchical institutions, Seward's letters placed us so clearly in the right that the British

Collected Writings

policy of contemptuous indifference to our remonstrances was abandoned, and our just demands respected. Besides the immediate significance which they had during the war, Seward's letters materially aided in the final adjustment of our claims.

The leading features of foreign diplomacy in Seward's second term were the discussion of claims upon England for ravages upon American commerce committed during the Rebellion by privateers fitted out in English ports, the discountenancing of French intervention in Mexico, and the purchase of Alaska from Russia for the sum of seven million dollars. All these were carried out in Seward's usual full, clear, and straightforward manner.

Though conservative in his interpretation of the Monroe doctrine, Seward perceived that in the case of Mexico a decided protest against French intervention must be made, if for no other reason, on the ground

William D. Seward as a Statesman

of self-preservation. Nothing daunted by the withdrawal of England and Spain, Louis Napoleon had persisted in his attempt to set up a monarchy on American soil, contrary to the real desire of the inhabitants. The colossal failure of his plan is now historic. After the Civil War had been ended, a United States force under a well-known general was moved uncomfortably near Mexico, and Louis Napoleon was informed that it would be "inconvenient, gravely inconvenient, if he were not to withdraw his soldiers from Mexico." The French government could take a hint, and Mexico was left to her own rule.

Seward always looked forward to a union of the independent South and Central American states, a union which would assume a spirit more elevated than one of merely commercial and conventional amity, and which should be earnestly American. "These states," wrote Seward in a letter to

Collected Writings

Mr. Corwin, "hold a common attitude and relation toward all other nations. . . . It is the interest of them all to be friends, as they are neighbors, and to mutually maintain and support each other, so far as may be consistent with the individual sovereignty which each of them rightly enjoys, equally against disintegrating agencies within, and all foreign influences of power without their borders." European alliances, however, Seward never courted. He was a "continental American."

In that phase of our history known as Reconstruction, the part played by Seward was not as happy as were many of his other actions. It must, however, be remembered that men of the same party differed as to what steps were to be taken for the solution of this problem. Seward, as a subordinate of the Executive, considered himself bound to stand by the administration. Seward's province lay more in the direction of the

William D. Seward as a Statesman

foreign affairs of the nation, and in the diplomatic correspondence of the period will be found ample proof of his activity.

Of Seward's connection with politicians much has been said. That he himself was not a politician is conceded by all. As for the rest, we remarked in the beginning that allowance must be made for the peculiar conditions existing here. Had Seward disdained the support of the New York ring he would never have risen to the position which he attained. Throughout his life he was always direct and upright, and his association with politicians must be attributed, not to his own choice, but to the exigencies of the political situation.

Faults have been pointed out in Secretary Seward's correspondence. If it has defects, its general tone is, nevertheless, one of great excellence. Sometimes his dispatches did not quite please diplomats and political censors abroad. One reason

Collected Writings

was that they were necessarily written with one eye at home and the other abroad. They effected their purpose and maintained the dignity of the country in the darkest hour.

Even by his own countrymen Seward's letters have been criticised as over-confident. "But," said Charles F. Adams, "what was he to do in the face of all the nations of the earth? Was it to doubt, and qualify, and calculate probabilities?—In the very darkest hour his clarion voice rang out more sharp and clear in full faith of the triumph of the great cause than even in the moment of its complete success. And the consequence is, that the fame of William H. Seward as a sagacious statesman is more widely spread over every part of the globe than that of any other in our history." ⁸

Seward may safely be called the foremost statesman in our history, one without the

William D. Seward as a Statesman

frequent mention of whose name it is impossible to render complete the annals of several most important periods. He is the only American whom European statesmen have ever regarded as their peer, and on his tour in the Old World honors were paid him in communities where before honors had been extorted only by representatives of those sovereignties which were feared. That Seward should have been at fault at times is natural. Consider the scanty diplomatic training with which he was equipped. Our governmental system is not conducive to the rearing of statesmen, and the method of "rotation in office," especially in a period where the parties in power were continually changing, deprived an official of his position just as he was growing familiar with his duties. All these drawbacks are absent in the case of a European diplomat, who often holds one position for a long term of years.

Collected Writings

In addition, domestic troubles of grave importance existed. A great civil war was raging, a war which was so great in its extent as to involve delicate questions of both constitutional and international law. The President's Cabinet was divided, and at one time Seward threatened to resign. Successive commanders-in-chief engaged in a fluctuating policy, each one pursuing a course different from that of his predecessor. Factions and a hostile press obstructed the administration in countless ways. Battles were lost, the North was invaded, and the Government, endeavoring to guide the course of a great war with men of peace at the helm, was in a state of distraction. Money depreciated, riots took place, and still the Union army was suffering defeats.

Meanwhile, foreign governments, secretly rejoicing in the contemplated disruption of the Union, protested against this or that alleged violation of international law, helped

William D. Seward as a Statesman

our enemies, and disregarded the just demands made by our ministers. War at home was draining the national blood; a foreign war would be the last stroke.

In the midst of all these difficulties, who directed our foreign affairs with an ability unmatched in any age? Despite domestic opposition William H. Seward, Secretary of State, successfully carried the Government through the crisis, yielding, opposing, protesting, demanding, each where it was necessary: always with a grace, moderation, and firmness which could meet with no rebuff. When at last Gettysburg and Vicksburg turned the tide of the war, and success after success brought victory and peace to those who had fought so bravely and patriotically for them, the full fruits of Seward's policy began to be seen. Foreign governments had been kept at bay, enabling our army to march to a triumphant climax; and at the same time, the most offending of these

Collected Writings

governments had been put in a position where it was finally forced to admit its wrong and to pay an indemnity. American principles of the freedom of the seas and the obligations of neutrals had been upheld, and the greatest experiment in republican institutions had endured and succeeded.

And to him who had so materially helped to achieve this result, what reward was given? To him who, with an unlimited confidence in the future of the nation, had preserved it from foreign interference, what high office was assigned? After the completion of a term in which he performed other great services for the good of his country he retired to his home, now lonely from the loss of those who had made it his delight, with "fewer marks of recognition of his brilliant career than he would have had if he had been the most insignificant of our Presidents." Mr. Cox gives this thought eloquent expression when he writes:

William D. Seward as a Statesman

“ To William H. Seward, the grandest man of his day, no national tribute has yet been paid. After a tour of the world, and after being received by all nations as the peer of any living statesman, he reposes in the sepulchre at Auburn, whose associations are as peaceful as the ways which led to it were stormful. But while the diplomatic correspondence of our Civil War shall remain in the archives of the Nation, that monument of his worth and greatness must far surpass in grandeur any memorial of bronze or marble that genius can conceive or art execute.”⁹

—“ ZOKEN,” ’97.¹⁰

⁹ *New York Times*, Oct. 11, 1872, p. 4.

¹⁰ “ On Seward ” ; R. G. White, “ North American Review,” March, 1877, p. 222.

¹¹ “ History of Our Own Times,” McCarthy, vol. 2, p. 221.

¹² “ Three Decades of Federal Legislation,” S. S. Cox, p. 273.

Collected Writings

*Charles Francis Adams, Minister to England under Lincoln.

White, as above, p. 228.

*“ Works of Seward-Baker ” ; v. index.

*“ Address on the Life, Character and Services of Seward ”—C. F. Adams.

*S. S. Cox, as above, p. 274.

* *Nom de plume* used by the writer.

The Cuban Question, Considered in the Light of the Principles of Belligerent Recognition

WHEN Washington enunciated the doctrine of non-interference in European politics and of abstinence from entangling alliances with European nations, he gave to American diplomacy one of its fundamental axioms. A score or so of years thereafter, this principle was supplemented by what is known as the Monroe Doctrine, a doctrine which is probably more widely known in America than any other utterance of our famous statesmen. In general, our foreign policy has been quite consistent with these two principles. Especially during the last few years, events have occurred of such a

Collected Writings

nature as to call into prominent notice the doctrines laid down by Washington and Monroe. Among the various occasions calling for the exercise of American statesmanship and involving these doctrines to a more or less degree, there stands out prominently the present struggle for independence in Cuba. This island, comparatively near the coast of the United States, is now in the throes of internal war. Burdened by taxes and oppressed by a tyrannical system of government, many of the inhabitants of Spain's largest American colony are in arms against the mother country, and seek political independence. Nor is this the first such attempt. Spain's rule has always been marked by cruelty and oppression; the spirit of Spanish administration has not kept pace with the advance of civilization and humanity. Truly, as Sumner said, Spanish rule in this hemisphere has been one great "anachronism."

The Cuban Question

As a result of the present disturbance, the people of the United States, who do a large trade with the island, are forced to suffer, their trade being ruined and much of their property destroyed. American citizens in Cuba are harshly treated, and in this perplexity the struggling Cubans, suffering Cuban-Americans, and, above all, many of our own native citizens, call upon the United States Government to extend some aid to the insurgents. Many are the arguments offered in favor of such action. Our property and citizens are exposed to peril; the island is rapidly becoming a waste. If this war fails, another will break out in a few years. Spain has ruined the island, but has not conquered the insurgents. The present war, it is asserted, is useless. Let us help put an end to the tyrannical oppression of the Spaniard. The proximity of Cuba to the United States, and our considerable and increasing inter-

Collected Writings

ests in the island, point to its annexation as its destiny. To put an end to the needless loss of property and life now going on, and to aid the Cubans gain their independence, is our evident duty and our ultimate gain.

In this quandary, what is to be the course pursued by the United States in regard to this question? We can aid the insurgents in one of several ways: (1) By mediation; (2) by recognizing the belligerency of the insurgents; (3) by recognizing their independence, and (4) by intervention. Some combination of these methods is also possible. It is urged that the most effective means to afford aid to the insurgents and at the same time to avoid offending Spain, is to recognize the belligerency of the insurgents. This action, it is claimed, while in accordance with the principles of international law, will afford the Cubans an opportunity of advancing their cause.

The Cuban Question

The question of Cuban belligerency is to be viewed from three standpoints: the legal, the practical, and the humanitarian. The legal question presents two phases: (1) Does a state of belligerency exist in the island? Has the struggle attained the dimensions of a war in the international sense? (Lawrence, "Principles," section 163.) (2) Is there a necessity for the recognition? Do the necessities of the United States require the act, and does the act recognize no more than exists and than those necessities require?

As to whether a state of belligerency exists, this is a mere question of fact to be decided by the nation which has been asked to grant the proclamation thereof. The reports given by the opposing parties, however, have been so diverse as to cause much confusion and perplexity. At the present moment a special commissioner has been sent by this Government to Cuba for the pur-

Collected Writings

pose of investigating the true state of affairs. In the meantime we are of necessity forced to discredit the reports of one of the two parties. In this dilemma the propriety of crediting the statements of Spain, the titular government and a friendly nation, in preference to those of the insurgents, will scarcely be disputed. Nevertheless, the existing conditions make the question of fact a difficult one to settle. "The question of belligerency," wrote President Grant, "is to be decided upon definite principles and according to ascertained facts, [and] is entirely different from and unconnected with the other questions of the manner in which the strife is carried on on both sides, and the treatment of our citizens entitled to our protection."¹ "Belligerency," writes Professor Moore, "is a question of fact in the determination of which neutral governments do not take into consideration the question of right between the

The Cuban Question

contending parties. Should a government guide its course not by the actual state of the hostilities but by its opinion of the merits of the controversy, it abandons the position of a neutral for that of a partisan, and enters upon the pathway of intervention." 5

In the first place, what are the conditions which warrant a recognition of belligerency? The mere existence of war is not enough. President Grant, in his Message to Congress of June 13, 1870, lays down the following principle: "The relations between the parent state and the insurgents must amount, in fact, to war in the sense of international law. Fighting, though fierce and protracted, does not alone constitute war; there must be military forces acting in accordance with the rules and customs of war—flags of truce, cartels, exchange of prisoners, etc.—and to justify a recognition of belligerency there must be, above all, a *de facto* political organ-

Collected Writings

ization of the insurgents sufficient in character and resources to constitute it, if left to itself, a state among nations capable of discharging the duties of a state, and of meeting the just responsibilities it may incur as such toward other powers in the discharge of its national duties.”² “War,” says a recent writer, “is of different kinds and may exist in different degrees. In the last ten years there have been various wars in this hemisphere, in which the United States either omitted or refused to accord to insurgents the status of belligerency, though they held a portion of territory from which they were able by force of arms to exclude the exercise of authority by the titular government. This condition of things characterizes every war carried on on land; and such a war is not converted into a public war merely by the proclamation by insurgents of a plan of government. The only kind of war that justifies the recogni-

The Cuban Question

tion of insurgents as belligerents is what is called 'public war'; and before civil war can be said to possess that character the insurgents must present the aspect of a political community or *de facto* power, having a certain coherence, and a certain independence of position, in respect of territorial limits, of population, of interests, and of destiny." ⁶ This the Senate resolution admits, for it declares that "in the opinion of Congress, a condition of public war exists between the government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba." ⁷

We see, therefore, that the conditions requisite for the status of belligerency are not confined to the mere existence of war. This war must be a "public war," and be carried on by an organized political community, such as was the union of Confederate States during our Civil War. In what sense

Collected Writings

does the present insurrection conform to these conditions ?

The present insurrection was at first limited to a small number of persons, and received no support from any of the regular political parties. Low and uncertain wages and the high cost of clothing and provisions had given rise to much discontent among the negroes. This was aggravated by a pernicious system of taxation, which, imposing a crushing tax on the Cubans, devoted but a small per cent. of it to the needs of the island, only \$700,000 of the budget of \$26,000,000 being applied to works of internal improvement, and of this comparatively small sum, about one-half found its way into the pockets of the Spanish employees.

The plan of campaign followed by the Cubans is calculated to keep the insurrection alive, and to prevent its receiving any decisive check by means of a regular en-

The Cuban Question

gagement. Avoiding pitched battles with the Spanish forces, the insurgents confine themselves to an irregular system of hostilities, carried on by small and illy-armed bands of men, roaming without concentration through the woods and the sparsely-populated regions of the island, attacking, from ambush, convoys and small bands of troops, burning plantations and the estates of those not sympathizing with their cause. On the other hand, Spain has not yet succeeded in suppressing the insurrection. Although the Spanish authorities have possession of every seaport and every town on the island, they have not been able to subdue the hostile feeling which has driven a considerable number of the inhabitants of the island to armed resistance against Spain, and still leads them to endure the dangers and privations of a roaming life of guerrilla warfare.

That a war is in progress in Cuba is evi-

Collected Writings

dent; but "it is equally evident that it presents the features of guerrilla rather than of regular warfare." Those elements before mentioned, which are requisite in order to constitute "public war," are absent from the present struggle; and without these, a foreign government, while professing to maintain strict neutrality, could not legally justify a recognition of the insurgents as belligerents. The insurgents fulfil none of the conditions named above; they have no established seat of government; they have no prize courts, no seaport to which a prize may be carried, or through which access can be had by a foreign power to the limited interior territory and mountain fastnesses which they occupy. The existence of a Legislature representing any popular constituency is more than doubtful. The words applied by President Grant to the former insurrection in Cuba well characterize the present disturbance: "In the un-

The Cuban Question

certainty that hangs round the entire insurrection there is no palpable evidence of an election of any delegated authority, or of any Government, outside the limits of the camps occupied from day to day by the roving companies of insurgent troops; there is no commerce, no trade, either internal or foreign; no manufactures.”⁸ In these respects the present insurrection is in the same condition as that of 1868-1878. That revolt had the same government on paper. Yet at that time our Government, resisting all pressure, refused to take the step now urged upon it.

Moreover, much of the strength of the insurrection has been derived from the United States, by means of filibustering and other acts hostile to Spain indulged in by resident Cubans and Cuban-Americans, agents of the insurgents. Avoiding the risks of war, numbers of Cubans have come to this country and endeavor to make war

Collected Writings

from these shores and "to urge our people into the fight which they avoid, and to embroil this Government in complications and possible hostilities with Spain. It can scarce be doubted that this last result is the real object of these persons, although carefully covered under the deceptive and apparently plausible demand for a mere recognition of belligerency." 4

Our Government has more than once professed to govern its action by the following criteria expressed in Mr. Monroe's words relating to the Spanish South American revolts: "As soon as the movement assumes such a steady and consistent form as to make the success of the provinces probable, the rights to which they were entitled by the law of nations, as equal parties to a civil war, have been extended to them." "But," says Woolsey (p. 292), "this rule breaks down in several places. The probability is a creature of the mind, something

The Cuban Question

merely subjective, and ought not to enter into a definition of what a nation ought to do. Again, the success does not depend on steadiness and consistency of form only, but on relative strength of the parties. If you make probability of success the criterion of right in the case, you have to weigh other circumstances before being able to judge which is most probable, success or defeat. Would you, if you conceded belligerent rights, withdraw the concession whenever success ceased to be probable? And, still further, such provinces in revolt are not entitled by the law of nations, to *rights* as equal parties to a civil war. They have properly no rights, and the concession of belligerency is not made on their account, but on account of considerations of policy on the part of the state which declares them such, or on grounds of humanity." ⁸

Viewed according to the principles laid down by eminent authorities, principles

Collected Writings

which have been our policy in previous problems of the same nature, it is evident that the present insurrection is not entitled to the status of belligerency.

“To the legal concession of belligerency,” says Lawrence (“Principles of International Law,” section 163), “two conditions are essential: first, the struggle should have attained the dimensions of war in the international sense; and, second, there must be a necessity for the recognition.” The first condition we have already considered. In regard to the second, Hall says: “Certainly, a large community in arms to gain political ends should not be treated as criminals. Still, it has no status in international law. (The recognition) is a concession of pure grace.”⁹ He continues: “So long as a government is struggling with insurgents isolated in the midst of loyal provinces, and consequently removed from contact with foreign states, the

The Cuban Question

interests of the latter are rarely touched, and probably are never touched in such a way that they can be served by recognition. It is not therefore necessary, and it is not the practice, to recognize communities so placed, however considerable they may be, and however great may be the force at their disposal." (P. 29.) ". . . In the case of maritime war," he adds, "the presumption of propriety lies in the other direction." (P. 30). "When an insurrection is confined to a district in the interior of a country," says Lawrence, "other states would be acting in an unfriendly manner if they recognized the belligerency of the insurgents, because by the nature of the case, the incidents of the conflict could not directly affect their subjects." Dana also declares (section 23, p. 34): "The reason which requires and can alone justify this step (the recognition of belligerency) by the government of another country, is, that its

Collected Writings

own rights and interests are so far affected as to require a definition of its own relations to the parties. . . . A recognition by a foreign State of full belligerent rights, if not justified by necessity, is a gratuitous demonstration of moral support to the rebellion and of censure upon the parent government." ¹⁰ He adds (section 23, p. 35): "As to the relation of the foreign State to the contest, if it is solely on land, and the foreign state is not contiguous, it is difficult to imagine a call for the recognition." Calvo says: "The only rational and legitimate motive which can induce a state to accord the character of belligerents to the factions of another state, is that the contest compromises the rights and interests of the foreign government which, by the accordance of the title of belligerent, defines the position it intends to assume with regard to the combatants. Now, from this point of view, we may say that states

The Cuban Question

widely separated from one engaged in civil war have not, in general, any interest in lending their moral support to either party, or in according a recognition that could not fail to encourage the strife." ¹¹

The policy of the Government of the United States has in general been in accordance with the views of the authorities above cited. From 1789 to 1815 the dominant thought was to keep out of European wars, and to observe strict neutrality and an absolute abstinence from entangling alliances. The duty of opposition to filibustering has been admitted by every President. Washington enforced the laws strictly in the case of Genet. John Adams frustrated the projects of Miranda, as did also Jefferson those of Burr. The strict adherence to this rule has imposed upon the United States the most delicate duties of right and of honor regarding American questions. In general, the rule has been well observed, and in

Collected Writings

many of the wars in this hemisphere the United States has refused to accord to insurgents the status of belligerency, although, as has been stated, "they held a portion of territory from which they were able by force of arms to exclude the exercise of authority by the titular government." Mr. Adams, late United States Minister at London, in discussing the question of belligerency with Lord John Russell, then at the head of the English Foreign Office, argued that when an insurrection is raised against a legitimately constituted government, "foreign governments which would continue to preserve pacific relations are bound to abstain carefully from all measures calculated to exert the least influence on the situation of the country whose internal tranquillity is disturbed."¹²

During the insurrection in Cuba from 1868 to 1878, President Grant, adhering to our established policy, refused to recog-

The Cuban Question

nize the insurgents as belligerents. "The United States," he declared in his Annual Message to Congress, December 7, 1875, "should carefully avoid the false lights which might lead it into mazes of doubtful law and of questionable propriety, and adhere rigidly and sternly to the rule which has been its guide of doing only that which is right and honest and of good report;" and, adverting to the fact that the conflict still continued to be on land, and that the insurrection had no seaport whence it might send forth its flag, "nor any means of communication with foreign powers except through the military lines of its adversaries," he pointed out that no apprehension of any of the sudden and difficult complications which a maritime war was apt to precipitate called for a definition by foreign powers of their relation to the conflict. Yet the claims then made by the Cubans of the extent of the insurrection equalled, and in

Collected Writings

some respects surpassed, the claims now advanced in support of the recognition of belligerency.¹⁸

In this connection let us consider the statement that the United States should now recognize the Cuban insurgents as belligerents as a retorsion for Spain's acknowledgment of the belligerency of the Confederate States in 1861. But how different are the two cases! Every veteran knows the strength of the Southern armies during the Civil War, and the number of Confederates who were killed in the first two years of the war without seriously compromising the rebel cause, shows the extent of that movement. Beginning with the South Carolina ordinance of secession, December 20, 1860, the secession proceeded so rapidly that before the end of May, 1861, ten other States—Mississippi, Florida, Alabama, Georgia, Louisiana, Texas, Virginia, Arkansas, Tennessee, and North Carolina—had passed

The Cuban Question

similar ordinances. In this short time five million persons, exclusive of slaves, had thrown off the authority of the United States and were "maintaining a government of their own over the vast region which they inhabited and controlled, including the whole extent of its coast." In April two proclamations of blockade were issued, and orders given for their enforcement. On May 2, 1861, Mr. Seward informed the Spanish Minister that the blockade would be "strictly enforced upon the principles recognized by the law of nations." Not till a month and a half after this notice did Spain issue her proclamation of neutrality, and even then care was taken to avoid the use of the word "belligerents." "The recognition of the belligerency of the Southern Confederacy, by Great Britain in 1861," says Woolsey (p. 42), ". . . was justifiable and necessary on their part." Yet Great Britain's action was

Collected Writings

taken May 13, 1861, while that of Spain was not taken until June 17, 1861.

Justice Grier, in delivering the opinion of the Supreme Court on the Prize Cases, said: " However long may have been its previous conception, it (the rebellion) nevertheless sprang forth suddenly from the parent brain, a Minerva in the full panoply of war. . . . The proclamation of blockade is itself official and conclusive evidence that a state of war existed which demanded and authorized a recourse to such a measure, under the circumstances peculiar to the case. . . . In organizing this rebellion, they have acted as States claiming to be sovereign over all persons and property within their respective limits, and asserting a right to absolve their citizens from their allegiance to the Federal Government. . . . Their right to do so is now being decided by wager of battle. The ports and territory of each of these States

The Cuban Question

are held in hostility to the General Government. It is no loose, unorganized insurrection, *having no defined boundary or possession.*"¹⁴

That Spain performed her neutral obligations with fidelity, the United States acknowledged in the trial of the Geneva awards. That our Government has performed its legal obligations in the present case is seriously to be questioned. The ease with which filibustering expeditions avoid the efforts of the authorities is an open secret. To make the recognition of belligerency a mere act of retorsion upon Spain, would be unjust, dishonest, and unworthy of an upright nation.

The legal aspect of the case may be summed up as follows: In order to be entitled to the status of belligerency, the insurgent population must fulfil certain conditions, political as well as military. As far as can be judged, the Cuban insurgents,

Collected Writings

while carrying on a civil war, have not as yet prosecuted it with any such energy as to constitute it war in the international sense. The political conditions requisite as an element of a "public war" have not been shown to exist. Even admitting many of the claims advanced by Cuban sympathizers, Cuban belligerency is at the best doubtful. When to this is added the fact that the necessity for the recognition, an essential element in the recognition, is absent, the preponderance of evidence seems to point against this action.

The practical part of the question treats of the effects the recognition of belligerency would have upon Spain, upon the Cuban insurgents, and upon the United States; and upon the relations existing between these parties. In the first place, what benefit would the recognition confer on the Cuban insurgents? Under present conditions, none whatever. It would in no wise

The Cuban Question

alter their relations to the Government of Spain, which could still regard them as criminals, if it saw fit to do so. To the end of the Rebellion the Government of the United States continued to denounce the Confederate cruisers as pirates. The Cuban insurgents can at the present time purchase arms and munitions of war; they, and their friends and sympathizers, can go and come unarmed and unorganized to take part in the conflict; they can sell their securities to any one who will buy them. More than that they could not do if their belligerency were recognized, unless they had ships on the ocean. We shall have to suppress filibustering just as we do now. They could neither employ persons in the United States to serve in their forces, nor fit out and arm vessels in our ports, nor set on foot hostile expeditions from our territory. Spain, on the other hand, would be immediately invested by international law, as

Collected Writings

well as by the treaty of 1795, with the international rights of belligerency, which she has so far not claimed, including the right of visitation and search on the high seas, and the capture and condemnation of our vessels for violations of neutrality. It would enable Spain practically to put an end to the transportation of munitions of war for the insurgents. It would place under Spanish supervision all that vast commerce which passes through the waters adjacent to Cuba. "If it is a war," says Dana, "the commissioned cruisers of both sides may stop, search, and capture the foreign merchant vessel; and that vessel must make no resistance." (Section 23, p. 35.)¹⁰ Thus, while the insurgents would obtain no material benefit by the recognition, Spain would be strengthened in her position. The present relations between the insurgents and the United States would become more strained, American commerce would

The Cuban Question

be seriously inconvenienced, and American lives and property in the island jeopardized. At present we can hold Spain to account for any damage inflicted upon our interests. We can energetically press all claims against her and obtain redress. Few Americans are now imprisoned, and all claims for damages brought to the notice of the Spanish Government will, if prosecuted with vigor, be settled. But "if the foreign State recognizes belligerency in the insurgents," says Dana, "it releases the parent State from responsibility for whatever may be done by the insurgents, or not done by the parent State where the insurgent power extends."¹⁵ The recognition, therefore, would not under existing conditions help the Cubans in any way, while it would tend to include among the sufferers many American citizens who can now perform unmolested many acts which would, should a proclamation of neutrality be made, be held to be hostile to one

Collected Writings

or other of the contestants. Another contingency to be considered is the fact that the recognition of belligerency may involve us to such a degree that war between the United States and Spain will result. For while the recognition of belligerency is not of itself a *casus belli*, there is little doubt that it can be construed by the titular government so as to present the ultimate necessity of hostilities with the recognizing state. And this is, in fact, the object sought by the agents of the insurgents; not a proclamation of neutrality based on facts, but as a promise of support. Furthermore, should the recognition lead to intervention and consequently to the possession of the island by the United States, we should be confronted with the problem of annexation. John Quincy Adams said that the possession of Cuba had become essential to the Union. But statesmen are not always infallible, and the United States

The Cuban Question

has until now pursued its glorious progress and development without having incorporated with it our island neighbor. Besides, public men are prone to differ on questions of policy, and there have been some who have held that the true policy for our Government is to avoid the acquisition of territory not on the mainland. The purchase of Alaska gave rise to much opposition. In the case of Cuba this opposition would be based on stronger grounds. The island is at present a waste. Its population consists in great part of creoles, while the larger portion of the whites are illiterate. Politically, they are undeveloped, and, judging from the revolutionary propensities of South and Central American communities, would require an unreasonable amount of care. Extensive fortifications would be necessary to insure for us its continued possession. Having no colonial department, we should be forced either to create another

Collected Writings

governmental bureau with its accompanying expense, or take means to admit Cuba into the Union as a State, a step emphatically undesirable. This, of all the consequences of recognition, is most to be avoided. To help the Cubans establish a government of their own may be commendable to the friends of liberty; to burden the people of the United States with the expense and trouble of nursing an invalid land, is patriotism of a questionable color. From a practical standpoint, this country would gain the least by recognition; a step which, by aiding the Spanish to inconvenience American property and citizens, and by affording no help to the insurgents outside of granting to them rights of which no advantage could be taken, frustrates the very purposes which lead its honest advocates to support it.

Undoubtedly the movement for the recognition of belligerency finds its main sup-

The Cuban Question

port in the feelings and sympathies of the people of the United States for the people of Cuba, "as for all peoples struggling for liberty and self-government." Notwithstanding the statement of President Grant, that "the question of belligerency is one of fact, not to be decided by sympathies with or prejudices against either party,"⁴ there is little doubt that the support in favor of the recognition of the insurgents as belligerents has its ultimate cause in the natural sympathy felt by the free American with the Cuban patriot. The real issue is, Which cause is morally right? which is manly? which is American? On every hand indignation is expressed at the cruelty and barbarity with which (as we have little reason to doubt) Spain treats the insurgents. Many American citizens have suffered at the hands of the Spanish military authorities, and strenuous protests were needed to save a number from an unlawful death.

Collected Writings

Humanity alone is enough to justify recognition. Manning ("Law of Nations," p. 298) says: "The concession of such (belligerent) rights may at a certain epoch in the strife be claimed both in the interests of humanity and of neutral states." "The obligation to act in this matter (the recognition of belligerency) flows directly from the moral duty of human conduct . . . ; it has nothing to do with international law." (Hall, p. 28.) Mr. Rubens, counsel for the Cuban Delegation, thus summarizes the opinion of Bluntschli on this subject: "With the progress of modern civilization international law has framed this rule (the acknowledgment of belligerency), not as a hostile proclamation, but as a declaration of impartial neutrality, to ameliorate the horrors of a civil war, by superseding the merely penal laws of the metropolis. We know from history the sanguinary character of internecine war, and we must acknowledge

The Cuban Question

the importance of saving the contestants, heated by fury in the bitterness of their hate, from the excesses which formerly accompanied wars of this character." 16

To compare the American Revolution with the present struggle is to strain the analogy, for the French were actuated by hatred for England as much as by sympathy with our cause. Moreover, the intervention of the French could be justified on both legal and practical grounds. We have the late example of Greece actually intervening in Crete to save the inhabitants of that isle from the oppression of the Turkish rule. And while her attitude was disapproved of by the Powers, this was due rather to the policy of a few diplomats than to the real sentiments of the respective nations.

The methods pursued by the Spanish in Cuba are generally conceded to be contrary to our ideas of what, for want of a better

Collected Writings

term, we may call "civilized warfare." It is not unusual to hear our public men characterize them as "inhuman," "barbarous," "atrocious"; and American citizens feel it to be their duty to prevent the barbarities which are daily reported.

In addition to this there is a general desire in this country to see Spain driven out of Cuba. Those wishing this are actuated by various motives: some hope that Cuba will become annexed to the United States; others wish to make the American continents the home of constitutional liberty; while others, regardless of the form of government imposed upon Cuba, deplore the wasteful administration under which the island has suffered, and see no hope of improvement while Spanish domination continues.

Binding the hearts of most American citizens to Cuba, is sympathy with their cause and the memory of our Revolution. That

The Cuban Question

the oppression of a monarchical government should blight American soil at the end of the nineteenth century, fills these sons of freedom with indignation, and on every side our Government is urged to extend its aid to the struggling Cubans.

But is recognition of the insurgents as belligerents the most efficient way to aid the Cubans? Is it the course most worthy of our dignity? The foregoing account has shown that so far as international law is concerned recognition is a questionable step. Should we take this step and ultimately be possessed of Cuba, it is doubtful whether posterity will look upon our action as entirely disinterested. From a practical standpoint, a proclamation of neutrality would be of little service to the insurgents, and certainly harmful to ourselves. Humanity, then, is the only ground on which the step can be justified. The problem, therefore, resolves itself into the question

Collected Writings

whether we should let the legal and practical views to be overbalanced by the promptings of humanity, patriotism, and love of liberty. Many take a purely legal view of the case: others a practical view. But there are those who look upon the question solely from a humanitarian standpoint, and these assert that the problem of recognition should be decided according to a moral and humanitarian criterion. Viewing the question in this light, considerations of commerce and of international law are of minor importance. Provided we accomplish our duty as Americans and lovers of our fellow-men, let us be willing to endure the ensuing complications.

Still, it is difficult to see why the United States should involve itself in unnecessary difficulties to accomplish the liberation of the Cubans from Spanish rule, a result which might be effected by other means than the recognition of belligerency. Such recog-

The Cuban Question

nition would doubtless involve us in trouble with Spain. If a war with Spain is our foremost object, as it seems to be with some, recognition is a very roundabout way to provoke it. A far simpler and more effective way would be to recognize the independence of the island and drive out the Spanish. There is no doubt of the power of the United States to do this; it would be "bold, vigorous, and outspoken," and would settle all questions of belligerency and neutrality at one blow. If our sense of humanity is so stirred up by the outrages perpetrated upon the Cubans by the Spanish, surely we should take the most effective means of fulfilling our obligations towards the suffering patriots. That war would follow intervention is undoubted. But this does not deter the Cuban sympathizer, and only the other day we heard Senator Chandler say, "I wish to see the United States declare and maintain the independence of

Collected Writings

the island as France did that of the American colonies and made the United States a nation;" while Senator Mason declares, "If to keep our promises with Cuba and protect her means war, let it come. . . . If to defend the honest daughters of brave patriots means an insult to Spain and war, in the name of God let it come, and come quickly." ¹⁷ This latter declaration, uttered in the Senate, shows the intensity of feeling which urges on the ardent enthusiast.

What can we do? is the question, so far as it concerns us; and as to part of it, time has already solved our difficulties. It has shown us that we can effectively protect all genuine Americans in Cuba. But it has not shown how we can pacify the island permanently. Yet it is felt that the destruction of property and life has gone on long enough, and that some step should be taken by the United States with the view of putting an end to it. Are we to

The Cuban Question

go to war with Spain, or to tell a lie about Cuba? Let us be honest! If we are to intervene, let us state the true reasons for such action. Humanity justifies such a step, if self-interest does not. But why grant the rights of belligerency to those not belligerents? This is unfair, unworthy, and profitless. Let us do our duty, and not dishonor the fathers of our nation! Intervention may cause war, but it is an open question whether the recognition of belligerency might not lead to the same result. Moreover, before proceeding to extremes, why not try more peaceful methods? Why not extend our good offices to Spain and endeavor to mediate between the contestants? Then, if she refuses, we can resort to harsher measures. But surely, in the present state of affairs, it seems unlikely that an offer of mediation, delivered in a firm tone and with the unmistakable alternative of ultimate intervention distinctly

Collected Writings

pointed out, would not, without the discharge of a single American gun or the loss of a single American life, be the means of Cuban autonomy guaranteed by the United States, or, what is more desirable in the eyes of those who believe in the political capability of the Cubans, a free and independent Republic of Cuba.

“ CALIPH,” ’97. ¹⁸

¹“The Congressional Globe”: Containing the Debates and Proceedings of the Second Session, Forty-first Congress. Washington, 1870, p. 4383, under heading “June 13th, 1870.”

²Ibid., p. 4382.

³Ibid., p. 4382.

⁴Ibid., p. 4382.

⁵John Bassett Moore. “The Question of Cuban Belligerency.” “The Forum,” May, 1896, p. 289.

⁶Ibid., p. 291.

⁷Morgan Resolution, passed by the Senate May 20, 1897.

⁸“Introduction to the Study of International Law.” By Theodore Dwight Woolsey. New York, 1891.

The Cuban Question

¹ "International Law." By Wm. Edward Hall, M.A. Oxford, 1880, p. 28.

² "Elements of International Law." By Henry Wheaton, LL.D. Edited by Richard Henry Dana, Jr., LL.D. Boston, 1866.

³ "A Manual of International Law." By Edw. M. Gallaudet, Ph.D., LL.D. New York, 1892. Fourth edition, p. 73.

⁴ Ibid., p. 74.

⁵ Moore, p. 293.

⁶ "Reports of Cases Argued and Determined in the Supreme Court of the United States, at December Term, 1862." By J. S. Black, LL.D. Vol. ii., Washington, 1863. Prize Cases, p. 635.

⁷ Dana, section 23, p. 35.

⁸ "Cuban Belligerency." Statement of the Law by Horatio S. Rubens.

⁹ New York *Tribune*, May 19, 1897.

¹⁰ *Nom de plume* of the author.

Essay in Competition for the Prize of the National Society of the Sons of the American Revolution

LIKE all great nations, America has a political literature. To it have been contributed from time to time orations and documents which have materially affected our political and social development. And while few utterances are nobler and more majestic than those of Webster and of Lincoln, that earlier period preceding the formation of our present Federal Government is not less distinguished for examples of eloquence and of genius. Many leading men of the colonies were college graduates, and the beneficial results of this are appar-

The American Revolution

ent in the general excellence which characterizes the public documents of the times. Among these documents, none is more epoch-making than the Declaration of Independence, a precious legacy to Americans, and one which has instilled in succeeding generations a love of liberty and of country.

This Declaration states that all men are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness. To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. Whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and

Collected Writings

happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such—continues the Declaration—has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government.

These words did not proclaim a new doctrine. Indeed, the history of England during the preceding century and a half shows the rigor with which the people observed these principles, and the events which followed this American enunciation of English political doctrines, constitute a chapter not only of American, but of English history.

The American Revolution

The American Revolution was not an isolated event, but a link in the chain of constitutional reform. In English history it was a factor in bringing about the change which transferred the prerogatives of the Crown to Parliament. In American history it marks the period when a new nation assumed its place among the independent powers of the earth. "Finally," says Winsor, "as an event common to the history of both nations, it stands midway between the Great Rebellion and the Revolution of 1688, on the one hand, and the Reform Bill of 1832 and the extension of suffrage in 1884, on the other, and belongs to a race which had adopted the principles of the Reformation and of the Petition of Right."

The American Revolution was the last of the English civil wars, involving the same question of the royal prerogative. In the Puritan Rebellion Charles I. stood upon the Stuart doctrine of the divine right of kings.

Collected Writings

Though the Puritans as such were defeated, the next king did not dare exercise the same authority as his predecessors. The English Revolution involved the same issue, and as a result the monarch was stripped of more of his prerogatives, while the Parliamentary power was increased. So, also, the American Revolution was a protest against the royal prerogative. But in this case another question was involved: How far does the power of Parliament over the American colonies extend? The conclusion of the struggle is a matter of history. It is to be noted, however, that the American Revolution is a part of a historical movement—a movement which proceeded from its source to its ultimate outcome with a logical, rational coherence.

In studying the American Revolution we may regard the year 1763 as its starting-point. By the terms of the Treaty of Paris, England became possessed of Canada and

The American Revolution

of Florida. Prior to this the dread of the French in Canada had united the colonists to England. But with the conquest of Canada all need of protection was removed. "The attitude of England towards its distant dependency became one of simple possession; and the differences of temper, the commercial and administrative disputes, which had long existed as elements of severance, but had been thrown into the background till now by the higher need for union, started into a new prominence. Day by day indeed the American colonies found it harder to submit to the meddling of the mother-country with their self-government and their trade."

In regard to matters of government the colonists presented a decided contrast to the people of England. The development of manufactures during the last hundred years has resulted in what is known as "division of labor." Our governmental

Collected writings

machinery has not escaped this tendency. and to-day we have a special class of "politicians." Not so in colonial days. Then every man took an active interest in colonial administration, and local self-government prevailed. To statesmen in England the temper of the colonial legislatures, their protests, and the constant refusal of supplies when their remonstrances were set aside, seemed all but republican.

"To check this republican spirit," writes Green, "to crush all dreams of severance and to strengthen the unity of the British Empire by drawing closer the fiscal and administrative bonds which linked the colonies to the mother-country, was one of the chief aims with which George the Third mounted the throne. . . ." The dominant colonial policy of England for many years was that the colonies were to be worked in the interests of home investors. All forms of manufacture which could compete with

The American Revolution

English productions were to be restricted, while the colonists were to be confined to England for a market. The expulsion of the French from Canada made it possible for the Americans to do without English protection ; the commercial restrictions made it their interest to do so. " If, then," says Lecky, " while the colonies were growing stronger their grievances should grow heavier, if any act or policy of government should provoke serious opposition among them, self-interest must put a strain upon their attachment to the mother-country."

Regardless of this, the English Ministry proceeded to make regulations for the colonies. Its policy consisted (1) in enforcing a strict commercial monopoly; (2) in imposing on the colonists a military system over which the colonial legislatures should have no control; and (3) in raising by Parliamentary taxation an American revenue for the

Collected Writings

maintenance of this system. Naturally, the attempted enforcement of these measures occasioned many provocative regulations. From the first the colonists resisted. The Writs of Assistance called forth the eloquence of Otis; the quartering of troops resulted in the Boston Massacre and Lexington.

But it was reserved for the theory of colonial taxation by Parliament to provoke the first evidence of disloyalty. At the close of the French and Indian War the public debt of England stood at one hundred and forty million pounds. As this had been partly incurred in the defence of America, it was the general opinion of Englishmen that the colonies should bear a part of it. Accordingly, there was passed by Parliament, in 1765, the Stamp Act, an act requiring all documents used in trade or legal proceedings to bear a stamp, the lowest in value costing a shilling, and the duty

The American Revolution

increasing indefinitely in proportion to the value of the writing.

The passage of this act aroused strong opposition in the colonies, and organized bodies were formed to resist its enforcement. The controversy which the Stamp Act called forth involved the entire theory of the British colonial system. It turned upon the constitutional question whether the English Government could exercise the same supreme authority over its American colonies that it exercised over its own subjects at home.

The Stamp Act was a simple proposition of a sovereign to tax his subjects. To declare war and peace, to make treaties, to coin money, to administer justice, and to tax—these, argued the Ministry, are the fundamental prerogatives of sovereignty. Of all kinds of direct tax none, perhaps, is less annoying than a stamp tax. Moreover, the amount demanded by the tax was

Collected Writings

small in comparison to the cost of the English army sent to defend the colonies. Was America to receive the benefits and England foot the bills? Manchester and Birmingham, contended the Government, are no more represented than Boston and Philadelphia, yet they are the heaviest tax-paying districts in England. According to our theory of representative government, a representative in Commons is not supposed to stand merely for the district that sends him, but is a representative of, and a legislator for, the entire kingdom.

In reply, the colonists conceded to Parliament the right to rule the realm. But regulating the imperial commercial system is one thing, raising revenue another. The Stamp Act departed from a fundamental principle of English local self-government—taxation by elected representatives. It was not a question of pounds and shillings with the colonists; as far as that was con-

The American Revolution

cerned, they were willing to contribute to the needs of the British Empire. As free-born Englishmen, however, they could not rightfully be taxed by the House of Commons unless represented in that body. The colonists felt that the colonies were of sufficient size and importance to have a voice in framing the laws under which they were governed. It was not the "virtual representation" of the Ministry which they desired; "actual representation" was their demand. A principle was at stake—a principle which forms part of the foundation of our Government. "The position taken by the Americans," writes Fiske, "had little to do with mere convenience; it rested from the outset upon the deepest foundations of political justice, and from this foothold neither threatening nor coaxing could stir it."

The determined endeavor to assert British sovereignty over the American colonies

Collected Writings

by "taxation without representation," culminated in the Revolution. The Revolution was "undertaken with the solid, immutable, eternal foundation of justice and humanity." In its inception it was a struggle for the redress of grievances; once begun, independence was inevitable. Great Britain was making war on human freedom, and in the name of mankind the colonists protested. Pitt pointed out distinctly that the Americans were upholding "those eternal principles of political justice which should be to all Englishmen most dear, and [that] a victory over the colonies would be of ill-omen for English liberty, whether in the Old World or in the New."

The Revolution, in its results, was not for America alone. It was a struggle in defence of a universal principle, and in behalf of all mankind. As one effect we see here the greatest republic in existence, an example and incentive to our sister republics

The American Revolution

of the earth. England has learned the justice of the American cause, and her colonies to-day are governed according to the principle for which our fathers fought—no tax upon a province without the consent of its legislature. The world has been shown that there is a higher law than that of a king; that the rights of a Government are not arbitrarily fixed by that Government, but are “derived from the consent of the governed.” To oppressed and down-trodden peoples no guiding light has been more helpful, more bright, more encouraging than the story of the American Revolution and the formation of the Union.

HISTORICUS.

Some Phases of Reconstruction¹

Essay written in the Junior class for the Department of History.

INTRODUCTION

IT is not the intention of the student to attempt to give anything like a full account of the Reconstruction. Even to give a mere narrative account would require more time and space than can at present be spared. From his reading on the subject, the student has decided to set forth those phases of the Reconstruction which seem to him best fitted for his exposition.

Beginning with a brief *résumé* of the difficulties in the way of any plan in reconstruction, and how in the American Reconstruction these were increased by various causes,

Some Phases of Reconstruction

a brief outline of the various theories for solving the problem will be given. To understand these, certain precedents will be explained, such as the Guarantee Clause, the Resolutions of 1861, and the Law of 1861. Then will be sketched more fully President Lincoln's theory of Reconstruction, as shown in his proclamation and message of December, 1863, and an account of the consistency with which the rebellious States were regarded as States in the Union throughout the war by the several departments of the Government.

SOME PHASES OF RECONSTRUCTION

By "Reconstruction" in United States history we mean "the problem of the restoration of the seceding States to their normal relations with the Union after the suppression of armed resistance therein to the constitution and the laws" (Lalor).

Collected Writings

“ Such a problem,” writes Professor Alexander Johnston, “ would have been easy of solution under a simple and direct acting government; in a highly complicated system like that of the United States, in which the parts and their action are so delicately adjusted, any derangement shows its effects everywhere; and a derangement so great as was introduced by secession, since it cannot check the national force, is almost certain to throw the wheels out of gear, convert the national machine into a blind and guideless power, and make a bad master out of a good servant.”

As Professor Johnston writes, the problem was already complicated by our governmental system; added to this the difficulty was further increased by three principal causes which we will touch upon.

1. *The Length and Bitterness of the War.*
—“ The terms of reconstruction which were possible in 1862, 1863, 1864, or 1866, were

Some Phases of Reconstruction

each of them impossible within a year thereafter. Every battle lost and won, every vessel sunk, every house burned, every case of mistreatment of prisoners, was in its way a factor not only in anti-slavery action, but in final reconstruction" (Johnston).

2. *The Status of the Freedmen.*—It was impossible that the successful party should feel no interest whatever in the fate of the beings who had been converted by its success from chattels into persons. It was natural that the disposition of the conquered toward the freedmen should be keenly and suspiciously scrutinized; and thus every act of individual violence, every appearance of organized repression, which came to light before the work of reconstruction was completed, became a silent factor in the work.

3. *The Existence of a Written Constitution which Provided for no such State of Affairs.*—"An omnipotent British parliament would have soon hit on a formal settle-

Collected Writings

ment. . . . The American government could only engage in a series of experiments, more or less successful, and finally rest content with that solution which seemed to offer the least difficulty and the greatest advantage to the nation " (Johnston).

As before stated, these three causes helped to aggravate the question and complicated the problem still further.

We will now sketch certain precedents which are often referred to in a discussion of Reconstruction, and which may as well be given now for reference.

THE GUARANTEE CLAUSE

By this is meant the following clause from the Constitution, Article IV, section 4: "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application

Some Phases of Reconstruction

of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence." To which is sometimes added from Article I, section 8: "The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

This, it was claimed, gave Congress power to pass all laws which it should consider "necessary and proper" for carrying into effect the guarantee clause (Article IV, section 4). This would have been undeniable if the language of the clause had been "Congress shall guarantee," or even any "department or officer shall guarantee"; but the peculiar phraseology, "The United States shall guarantee," seems to exclude all these interpretations and give the power

Collected Writings

concurrently to all the governmental agents, executive, legislative, and judicial.

“ Even in this view,” adds Professor Johnston, “ however, the case of *Luther vs. Borden* would seem to show that Congress has the power to enact laws to carry into execution its concurrent power in the premises, and that the president is bound to execute them.” Whence the conclusion is plain: namely, that by virtue of the Guarantee Clause, Congress was empowered to make laws which should have for their purpose the restoration in the rebellious States of the Federal authority, on application of the loyal inhabitants (*i.e.*, under a loyal organized state of government). This will be made plainer when President Lincoln’s plan is shown.

RESOLUTIONS OF 1861

At the special session of 1861 joint resolutions were introduced to define the objects

Some Phases of Reconstruction

of the war. That which was pertinent to this subject is as follows: “. . . That this war is not prosecuted on our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union with all the dignity, equality and rights of the several States unimpaired; that as soon as these objects are accomplished, the war ought to cease.” These resolutions passed the House July 22, 1861, by 117 to 2, and the Senate July 26th, by 30 to 5.

THE LAW OF 1861

The act of July 13, 1861, authorized the President, when he should have called out the militia against the insurgents claiming,

Collected Writings

without dispute, to "act under the authority of any State or States," to proclaim the inhabitants of the insurgent States to be in insurrection against the United States, and ordered commercial intercourse with the insurgent States to cease. Accordingly, the President issued a proclamation, August 16th, declaring the inhabitants of Georgia, South Carolina, Virginia (except those west of the Alleghanies), North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida to be in insurrection.

The Guarantee Clause, the Resolutions of 1861, and the Law of 1861 must not be lost sight of when discussing this movement.

Before proceeding to President Lincoln's theory, we shall briefly outline the fate of the other theories. The war began under the theory of "restoration," and this theory was persistently maintained by the Democrats to the end. The "presidential" the-

Some Phases of Reconstruction

ory was developed in 1863, and carried out by Johnson in 1865, but fell back under the hands of the latter into a modification of the "restoration" theory. The Sumner and Stevens theories received no formal ratification from any quarter. Congress, having "advanced so far as the Davis-Wade plan of 1864, was pressed by the force of contest with the presidential theory into a plan of its own in 1867, consisting of the Davis-Wade plan, increased by the suffrage features of the Sumner theory, and the whole based on a modification of the Stevens theory of the suspension of the Constitution" (Johnston).

PRESIDENT LINCOLN'S THEORY OF RE-
CONSTRUCTION, AS SHOWN IN HIS
PROCLAMATION AND MESSAGE OF
DECEMBER 8, 1863, ETC.

In the annual message dated December 8, 1863, Lincoln gives at length his rea-

Collected Writings

sons for issuing the amnesty proclamation of the same day. "The latter," says S. S. Cox, "offers terms of reconciliation and a restoration of political rights and relations under the government to the people of the Confederate States. The policy is for a general amnesty with some exceptions. The preamble to the proclamation recites the clause in the Constitution which provides that the President 'shall have power to grant reprieves and pardons for offences against the United States except in cases of impeachment' (Article II., section 2). Reference is made to the acts of Congress declaring forfeitures and confiscations of property and the liberation of slaves."

The President then grants the amnesty and pardon in these words: "Therefore, I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known to all persons who have directly, or by implication, participated in the existing

Some Phases of Reconstruction

rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them, and each of them, with restoration of all rights of property, except as to slaves, and in property cases where rights of third parties shall have intervened, and upon the condition that every such person shall take and subscribe an oath, and thenceforward keep and maintain such oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit." Then follows the oath, in which the pardoned person swears henceforth faithfully to "support, protect, and defend the Constitution of the United States and the union of the States thereunder;" the same oath is taken in respect to "all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified," etc.; and to "proclamations made by the President during the existing rebel-

Collected Writings

lion having reference to slaves, so long," etc. Persons excepted from the privileges of amnesty under this proclamation were "all those who left judicial stations, or seats in Congress, or the army or navy of the United States, to take part in the rebellion." Further exceptions are: "All army and navy officers of the Confederacy above the grade of colonel in the army or lieutenant in the navy, and all, of whatever grade, who maltreated colored or white prisoners in the war." The conditions of amnesty were those which, under the act of Congress, the President was authorized to impose. They were deemed essential to the restoration of peace and union.

Under the conditions of this proclamation, Mr. Lincoln sets forth his mode of reconstruction in these words: "Whenever, in any of the eleven States in rebellion, a number of persons not less than one tenth of the number of votes cast in such State at

Some Phases of Reconstruction

the Presidential election of the year of our Lord one thousand eight hundred and sixty, each having taken the oath aforesaid, and not having since violated it, and being a qualified voter by the election law of the State existing immediately before the so-called act of secession, and excluding all others, shall re-establish a State government, which shall be republican, and in no wise contravening said oath, such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that 'the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.' "

The proclamation also declared that the Executive claimed no right to insure the

Collected Writings

reconstructed States a representation in Congress. That matter the President regarded as being exclusively within the control of the two Houses.

“ On the subject of reconstruction,” says Mr. Cox in his interesting and valuable work, “ the last utterances of Mr. Lincoln in his last public speech, will be read with interest. April 11, 1865, four days before his death by assassination, he addressed a number of citizens who had called to congratulate him on the fall of Richmond and the surrender of General Lee with the Army of Northern Virginia. After the expression of his joy at ‘ the evacuation of Petersburg and Richmond, and the surrender of the principal insurgent army,’ he proceeds to say:

“ ‘ By these recent successes—the reinauguration of the national authority—reconstruction, which has had a large share of thought from the first, is pressed much

Some Phases of Reconstruction

more closely upon our attention. It is fraught with great difficulty. Unlike the case of a war between independent nations, there is no authorized organ for us to treat with. No one man has the authority to give up the rebellion for any other man. We simply must begin with and mould from disorganized and discordant elements. Nor is it a small additional embarrassment that we, the loyal people, differ among ourselves as to the mode, manner, and means of reconstruction.' "

Mr. Lincoln in his theory fell behind the current of party opinion on two questions: (1) He did not go far enough in regard to the slaves, and (2) he differed with many in regard to the status of the lately insurgent States; whether they were in the Union or out of it. Lincoln held that this latter question was a "pernicious abstraction." Said he: "The seceded States, so called, are out of their proper practical relation

Collected Writings

with the Union, and the sole object of the government, civil and military, in regard to those States, is to again get them into that proper practical relation. I believe," said the President, "it is not only possible, but, in fact, easier to do this without deciding, or even considering, whether these States have ever been out of the Union, than with it."

To sum up, the reconstruction policy of President Lincoln was "to offer amnesty to all participants in the rebellion, excepting only certain classes of persons who had been prominent as leaders. Those to whom the amnesty was extended would be required to renew their allegiance to the United States under the solemnity of an oath which required a pledge to support the acts of Congress and the President's proclamation in regard to slavery" (Cox).

We will conclude the task which we have laid out for ourselves with a discussion con-

Some Phases of Reconstruction

cerning the status of the States during the rebellion.

Concerning this question Cooley writes: "Those States whose people undertook to sever them from the Union, under claim of a right to secede, were nevertheless not released from their constitutional relations. Until the rebellion was overthrown their position was peculiar; they had disloyal governments exercising all the ordinary powers of sovereignty, with courts administering justice between man and man, and legislatures passing laws of general, but also of purely local concern. When resistance to the Federal Government ceased, regard to the best interests of all concerned required that such governmental acts as had no connection with the disloyal resistance to government, and upon the basis of which the people had acted and had acquired rights, should be suffered to remain undisturbed. But all acts done in furtherance

Collected Writings

of the rebellion were absolutely void, and private rights could not be built up under, or in reliance upon them. To restore the States to their former place in the Union no new admission was required, but they were restored to their full constitutional powers as rightful members of the Union, when the fact was recognized by the political departments of the government, and their senators and representatives were admitted to seats in Congress."

To effect the restoration to political rights of the people of the regions fully in possession of the Federal forces, a clear conception of the exact status of the districts in question was requisite. As to this status there was a wide difference of opinion. If these districts retained their characters as States of the Union, the problem of restoring them was made comparatively simple. In answering the questions as to whether the rebellious communities had any rights

Some Phases of Reconstruction

of States under the Constitution, we will outline the public acts of the three departments which had a bearing on the question at issue. " Succinctly put, the question was this, ' Had the rebellious communities any rights as States under the Constitution ? ' "

In sketching these acts we adopt the plan of Professor Dunning, using his words to a large extent. We will consider—

1. *The Executive*.—Lincoln stated his conviction that the Union could not be broken by any pretended ordinance of secession. He declared not the States, but the inhabitants of the States, to be in insurrection against the United States. The illegal proceedings were assumed to be the acts of assemblages of individuals, and not the acts of the corporate States. Hence, we deduce from this theory that the loyal element of the Southern people would be exempt from the penalties of insurrectionary transactions,

Collected Writings

This element Lincoln adopted as the basis of the reconstruction measures proposed in 1863, and which we have already explained. He was thus true to the position he assumed at the outbreak, and did not recede up to the time of his death. "The Executive Department, in short, was fully committed to the doctrine that the corporate existence of the seceding States was not interrupted by the war."

2. *The Legislature*.—To a certain point we have the same result. In imposing the direct tax of twenty millions in 1861, seceding States were assigned their proportionate share. But there came later a change of heart in the majority of the Legislature. With the prospect of success came an anxiety to secure firmly the settlement of the slavery question, and then they saw "the consequences that might flow from too strict an adherence to a theory better adapted perhaps to a time of doubt than to a time

Some Phases of Reconstruction

of certain success." On account of the "fear that Mr. Lincoln would be lax in exacting satisfactory conditions from the reorganized communities," a bill was "brought in, and after long discussion passed, enacting much more stringent conditions of restoration of governments than those contained in the President's plan, and making Congress and not the Executive the ultimate authority on the question of recognition. The rebellious States were regarded as having lost their governments through insurrection within their limits, and it was assumed as the duty of the Federal Government, under the clause of the Constitution directing the guarantee of a republican form in each State, to declare when such a form existed" (Dunning).

3. *The Judiciary*.—We will quote from one of the later of the many decisions which the Supreme Court made during the Rebellion, and which had a bearing, direct or

Collected Writings

indirect, upon the question. "Congress," the decision declares, "cannot declare war against a State or any number of States, by virtue of the Constitution. Nor has the President the power to initiate or declare a war of any sort. He is only authorized by law to suppress insurrections against the government of a State or against the United States." It was held that the individuals conducting the insurrection "acted as States claiming to be sovereign," but no recognition is given to the idea that the States known to the Constitution were concerned in the war. In conclusion, Professor Dunning writes: "There appears to be no indication, then, that the judiciary ever doubted the constitutional existence of the States. Circumstances have disarranged their relations with the Federal Government, but with the correction of the disturbance the former conditions would be resumed."

Some Phases of Reconstruction

From the foregoing review of the attitude of all the departments of the United States Government, it seems unquestionable that, while the necessities of war had made sad havoc with "the rights of States as well as of individuals, yet, upon the return of peace, a resumption was contemplated of the ante-bellum status of both, subject only to such modifications as the now undisputed sovereignty of the nation should impose."

To show the application of the above, we quote from Mr. Ed. A. Pollard, who, in "The Lost Cause," writes: "Obviously the policy . . . with reference to what was called 'Reconstruction,' was to consider the Southern States as in the Union, without any ceremonies or conditions other than what might be found in the common Constitution of the country. . . . The conservative party in the North had long held the doctrine that, as the Union was inviolable and permanent, secession was

Collected Writings

illegal, revolutionary, null and void; that it had no legal validity or effect; that it was the act of seditious individuals, and did not affect the status of the States purporting to secede. . . . The contest of the Government was not with the States, but with the illegal powers within the States engaged in resisting its authority. When the resistance of these persons ceased, the work was done; and the States were *eo instante, ipso facto*, as much within the Union as ever; no act of readmission being necessary."

Authorities :

1. Cox's "Three Decades," 337-77, and as quoted.
2. Political Cyclopedia; J. J. Lalor ("Reconstruction," by Alex. Johnston); "Carpet-Baggers."
3. Blaine's "Twenty Years in Congress," vol. ii., at intervals.
4. Pollard's "Lost Cause," 774, as quoted.
5. Sherman's "Recollections," vol. i.
6. "Constitution of the United States in Reconstruction"; Professor Dunning, in *Political Science Quarterly*, vol. ii., p. 558, as quoted.

Some Phases of Reconstruction

Though all the above have been read by the student, only 1, 2, 4, and 6 are used in the actual construction of the essay. Use has been made also of Cooley's "Principles of Constitutional Law."

The Use of Odd Moments in Reading

IN the occupation of every one there are certain intervals of leisure interspersed among the hours of serious work. This is especially the case with students. These periods of cessation from work, or odd moments as they are called, should be applied to some better use than looking out of the window, day dreaming, or the various other ways in which young men waste their spare time. And probably the most profitable way in which these odd moments can be utilized, is to devote them to work pertaining to reading.

Let me make clear what I mean by odd moments. There are the intervals in studying when we have to throw down our book,

The Use of Odd Moments in Reading

yawn, and gaze at the pattern of the carpet for the space of half an hour or thereabouts. What we want is not rest, but recreation; and some light reading-matter will prove a grateful change to our dull grammar. We can also turn to a light article when we tire of the serious book which we are reading. The quarter of an hour before dinner, the car-ride while on an errand, the wait for the gentleman for whom we have a letter; all of these, and the many other spare moments which unexpectedly spring up, can be profitably devoted to matters of literature.

It is not our purpose to point out the advantages accruing from this work; they are self-evident, and require no proof. We purpose merely to show the several ways in which this course of literary employment can be made most profitable. Reading in these scattered moments must necessarily be more or less desultory, and no systematic course of reading can be followed.

Collected Writings

Still, we can use this time in such work as will help us to obtain the greatest profit from our more serious reading. That is, the work which will be described later, if pursued in these odd moments, will not only form a supplementary course of reading, but will tend to give us what is called "book knowledge." And the information picked up here and there will be better impressed upon our memories than would be a large volume of facts set before us.

Two things are to be avoided in this scattered reading, newspapers, and long, serious books. Daily newspapers should not be tolerated; in fact, newspapers as such should never be considered as reading proper, but as news bulletins, and should be read as the heralds of old were listened to, merely to learn what is taking place in circles other than our own. It must be borne in mind that we are talking of the news columns only.

The Use of Odd Moments in Reading

Outside of short poems, standard works cannot be properly read in such short intervals as we generally have. "Much depends," says Charles Lamb, "upon *when* and *where* you read a book. In the five or six impatient minutes before dinner is quite ready, who would think of taking up the 'Faery Queene' for a stop-gap?" A certain time each day should be set aside for reading the standard writers, and the odd moments may be filled in by any reading that fits the time and place.

Of all reading that can be profitably read in our spare time, the writings of the magazine contributors offer a wide field. These can be divided into two great classes: the thoughtful, serious articles on matters political, social, scientific, religious, etc., and the lighter descriptions of travels, art, short stories, while the criticisms and editorials belong to both. All of these are generally both interesting and instructive, and are

Collected Writings

worth the time spent on them. As they are generally of a high class, individual taste may be trusted in the selection of these articles.

A class of interesting literature that can be read with more pleasure, if not as much profit, than the preceding, are sketches and short stories. Many of these appear in magazines, and are then published in collections. Of short stories Edgar Allen Poe says: "Were I called upon to designate that class of composition which should best fulfil the demands of high genius—should offer it the most advantageous field of exertion—I should unhesitatingly speak of the short prose tale. The novel is objectionable from its length. As it cannot be read at one sitting, it deprives itself of the immense force derivable from totality." And while we may not agree with his opinion of genius, still the last two sentences are full of truth. We have Davis's interesting

The Use of Odd Moments in Reading

stories, Dickens's delightful sketches and caricatures, the fanciful etchings and amusing tales of Daudet, De Maupassant, Bourget, De Alarcon, Coppée, Mendes, and others. The very thing for our weary brain!

A very profitable employment for any time is the careful reviewing of a standard book. This is most effectively done by research and annotation. Odd moments are especially adapted for this work, as it is apt to grow tiresome if continued for any length of time. As a book loses all interest by these frequent interruptions while referring to authorities, it is advisable to take up some book which we have already read, preferably one of Shakespeare's tragedies, as "Hamlet" or "Macbeth," or one of Scott's poems. A dictionary, a history of the times in which the plot of the story is laid, a rhetoric, and a blank-book are all that are necessary. If the edition is not

Collected Writings

too valuable, we may annotate on the margins, or on a blank page inserted opposite the page we are working on. An edition of our work, with notes, will prove an additional help. Then let us read our page carefully, and note down the definition of some obsolete word, an archaism, here a noticeable anachronism, there a figure of rhetoric, the derivation of a word, and other points which will claim our attention. Of course only a little of this work can be accomplished at one sitting, but even this little will, in a short time, imbue us with the desire for research, and for a thorough knowledge of our subject, and those other qualities which are the characteristics of a cultured and scholarly book-reader. Indeed, the habits of observation and research acquired from this phase of reading will have beneficial results, no matter what particular occupation we may engage in.

A useful accomplishment in connection

The Use of Odd Moments in Reading

with the reading habit is the acquiring of interest in the details of bibliography. We should read the title-pages of books carefully; also the prefaces and introductions. A store of knowledge is obtained by a careful perusal of catalogues and announcements. We become familiar with the names of authors, their respective works, names of prominent illustrators, etc. From some very complete catalogues, we may learn the subject-matter of the different books, and so find out the character of the different authors' writings. Through observation we can also learn who are the authorities in the various departments of learning. Though it depends on the reader how *much* information he can gather from the perusal of a catalogue, still every one can learn something. Indeed, this last habit is not sufficiently appreciated, and its benefits are reaped only by the favored few who know the good obtainable from a careful review

Collected Writings

of a catalogue. In support of another point, and to conclude this subject, we will quote Dr. Johnson, who said: " Knowledge is of two kinds. We know a subject ourselves, or we know where we can find information upon it. When we inquire into any subject, the first thing we have to do is to know what books have treated of it. This leads us to look at catalogues, and the backs of books in libraries."

Some of the ways to spend odd moments indicated above may seem too lengthy and laborious. But as a distinguished foreigner, speaking of wealth, said, " The Americans do not know the value of the hundred thousands," so we can say that many do not know the value of the minutes. We must use judgment in picking out selections which suit the circumstances. To requote Lamb, " Much depends upon *when* and *where* you read a book."

The Healer

THE Healer's brother was ill. Young Henry Shorter, the bright young brother of the long-haired, eloquent preacher ("fanatic" and "crank" the newspapers called him), was very ill. The most promising of three sons, his father had endeavored to have him well educated; but upon his parent's death, the young man left the academy at which he was then studying, and joined his eldest brother, who had turned to preaching, announcing himself as the Messiah.

Many of the rough squatters and miners had already gathered around the enthusiast, and the rambling farmhouse of the Healer's brother-in-law, which he had made his head-

Collected Writings

quarters, was the Mecca of scores of the surrounding settlers. What had led young Henry to join his brother's sect was a mystery. Surely he had not become a convert from pure belief in the fantastic creed. The Healer himself knew that Henry had followed him merely on account of the strong affection which existed between them.

The young man was in the early stages of consumption. It was not this alone, however, from which he was suffering. The squalid manner of living and the enforced diet of coarse vegetable food had rendered him an easy prey to the debilitation and fever which attacked him, and which were directly due to the hard work which his changed life imposed upon him.

It had been announced that the Healer would publicly cure his brother. Shortly after daybreak of the day appointed for the ceremony figures could be seen climbing up the narrow, winding path which led to the

The Healer

summit of the "Mount of Olives," where the meetings were held. Soon several hundred had gathered. Overhead the clouds looked down threateningly, and the wind swept across the hill with a weird murmur. To the west rose up majestically the snow-clad peak, all but hidden by the intervening clouds. The gloomy and uncertain light helped to give an unnatural glamour to the scene.

A curious set were these modern, self-called "chosen people." There were rough miners, slightly stooped, whose gruff voices were softened for the occasion; gaunt farmers, tanned and taciturn-looking, striving to relax their wrinkled faces.

Opposite the throng was placed an improvised stretcher on which lay the young man. His large, dark eyes took in the assembly with a vacant, distant gaze. All was still. Presently the Healer advanced, preceded by two of his principal disciples.

Collected Writings

He was a truly striking picture. Outdoor life had transformed this tall, well-proportioned giant into a modern Samson. His bold and handsome face was framed by a dark-brown beard and long locks, after the fashion of the old Italian pictures of the Saviour.

Standing beside the couch on which his brother lay, the Healer addressed his congregation. Amid frequent quotations from the Prophets, he announced himself as the Messiah, and called his followers the "chosen people," the "flock of God." Every now and then a fervent "Amen," "Hallelujah," "Glory to God," was heard. Finally the preacher bent over his brother and uttered a prayer. Lifting his hands on high, he invoked the blessing of God; then he lightly placed his fingers on the forehead and breast of his brother. After a short prayer he burst into tears, and with down-cast head proceeded to his small hut, where

The Healer

soon after the sick man was brought. Meanwhile, the meeting, after one or two supplications and thanksgivings, had broken up.

In spite of the efforts of the Healer the sick man slowly failed. A second and third public attempt at curing him were made, but with no success. Several weeks after the first trial Henry Shorter died, with his mourning and heartbroken brother at his bedside.

On the morning after the burial the Healer was missing. He had left his train of followers and had gone, no one knew whither. The band of "chosen people" soon broke up. Two of his lieutenants who endeavored to take his place in the "congregation of the Lord" had not enough personal force to succeed. In addition, the enthusiasm which had at first characterized the movement soon wore away. Even had the Healer remained, he doubtless would have lost his hold on his disciples, who had shown

Collected Writings

more and more faint-heartedness as the novelty decreased.

No word of the Healer was ever received by any of those who remained on the Western farm. But it seems that after six or seven years he had finally drifted to a large and growing city in one of the Central States. The sequel is best told by the two newspaper clippings which follow.

The first:

“ Last evening, at a revival meeting in Main Street, after the Rev. Blank had delivered an eloquent and stirring sermon, a man in the audience arose to address the meeting. To the surprise of those present, the speaker, instead of exhorting his hearers to a pure life, blasphemed in a loud voice. A policeman attempted to eject him, but owing to the man's great strength four blue-coats were required to overcome him. He was then taken to the station-house, where he refused to answer the questions put to him. He is a large, well-built man, with a

The Dealer

rather handsome face, though showing signs of dissipation and of hardships endured. In one of his pockets was found a photograph of a young man, and on the back the inscription, ' To my beloved brother, Joseph Shorter.' "

The second clipping runs thus:

" Joseph Shorter, who was arrested last Tuesday for creating a disturbance in a revival meeting in Main Street, died yesterday in the jail where he was confined pending his trial. An autopsy will be performed to ascertain the cause of his death, though the visiting physician and the coroner are both of the opinion that it was due to heart disease."

Poems

WHEN I am close beside thee
And gaze into thine eyes,
 The room, as though enchanted,
 Seems to some isle transplanted
Where softly swells the wide sea
'Neath balmy, tropic skies.
 Grief, care, and pain are banished,
 The world's cruel struggle vanished;
And thou, still near to guide me,
Rul'st o'er my Paradise.
 This, when thou art beside me
 And look'st into mine eyes.

ATLANTIC rolls his mighty waves between
Us two old friends who once sat side by
side;
Now separated by an expanse wide
Of wildly-tossing, watery billows green.
No more do kindly words or sayings keen
A cause for mutual jealousies provide;
No longer do we joys and griefs confide
As we did in the days which once have
been.

Still, Distance hath a fixed limit set
Upon her pow'r. The mind, by God's
good grace,
Rises above the bounds of time and
space.
So you and I, though parted by the
sea,
This sense-perceiving barrier can forget
And in the realm of thought united be.

NEW YORK, *Feb. 1, 1897.*

To , whose bright, laughing eyes,
And sun-kissed, chestnut hair,
Whose gracious nature and kindly charm
Are equalled—I know not where;

To her, who with radiant goodness beams
As the sun in the Heav'n above,
I offer, with humble, devoted heart,
This chivalrous tale of love.

Sonnet*

To Mamma.

{ Written partly written
from Kelling's to Emma,
and partly in German.

Dear sister, - from Thuringia's wood I write,
Amidst most glorious gifts so kindly sent
By gracious Nature, who doth here present
Her beauties in such freshness as well might
Of hardened pessimist the soul delight.
And one whose mind is much towards Romance bent
To his softening feelings will give vent
In rapturous, such as school-girls write.
And as I gaze on neighboring Wartburg high
Remembering that great contest famed in song,
Nethink it is the very same to-day.
Before the modern minstrel e'er can try
His mettle with his masters, he among
Inferior rivals must have made his way.
- Ralph.

* Fac-simile of the original manuscript.

To Disappointed Contributors

" BY ONE OF THEM "

(Mercury, Nov. 27, 1895)

**YE who have the Muses sought,
And tempted them in vain,
Be not discouraged. Take your pen
And paper up again.**

**Industry and patience both
Are needed for success;
A genius e'en cannot win fame
By sloth and idleness.**

**Then once again unto the charge,
Until success you find!
Then will Apollo round your brows
Fresh wreaths of laurel bind.**

SONNET.*

APRIL 9, 1899

TO MAMIE.

Dear sister mine;— On this, your natal day
Fain would I send you something; but my purse
At present, being, as my luck perverse
Will have it, rather empty, I can pay
No money for a gift.-----To my dismay
I must do that which is fersooth far worse;
I'd eat, to send you these few lines in verse,
Though from the metre much I fear they stray.

My best and hearty wishes I extend
To you. for a most happy life and long.
May every blessing on your home attend
That can bring joy and peace; May you among
Your children be most happy; and through life
Be to your Dan a loved and loving wife.
—Ralph.

* Fac-simile of the original manuscript.

SOME murmur when their sky is clear,
And bright exposed to view,
If one small speck of cloud appear
In their broad heav'n of blue.
And some with joyful hope are filled
If but one beam of light,
One ray of God's good mercy gild
The darkness of their night.*

* Written two days before his death.









